TITLE 31.—MONEY AND FINANCE

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Chapter 1.—THE NATIONAL BUDGET AND AUDIT SYSTEM

THE BUDGET

Sec.

11a. Estimated outlays and proposed budget authority; annual submittal to Congress by President [New].

11b. Congressional studies of provisions exempting federal agencies or agency or agency activities or outlays from inclusion in the Budget [New].

11c. Year-ahead requests for authorization of new budget authority [New].

11d. Changes in functional categories [New].

26. Appropriation requests of District of Columbia; examination and review for priorities and reductions in expenditures [New].

GENERAL ACCOUNTING OFFICE

51–1. General Accounting Office building [New].

52b. Additional compensation for five positions in General Accounting Office; authority of Comptroller General [New].

52c. Employment of experts and consultants [New].

61. Annual audit of accounts and operations of District Government [New].

(a) General auditing principles and procedures; rules and regulations; access to papers, things, or property for facilitation of audit.

(b) Audit reports to Congress, Mayor, and Council; scope; public inspection; statement of compliance by Mayor.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 665 of this title; title 7 sections 934, 1932; title 19 section 2232.

CHAPTER REFERRED TO IN D.C. CODE

This chapter is referred to in section 1–144, 1–147, 47–2501c of the District of Columbia Code.

DEFINITIONS

§ 2. Definitions.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

THE BUDGET

§ 11. President to transmit Budget to Congress.

(a) Contents.

The President shall transmit to Congress during the first fifteen days of each regular session, the Budget, which shall set forth his Budget message, summary data and text, and supporting detail. The Budget shall set forth in such form and detail as the President may determine—

(1) functions and activities of the Government;

(2) at such times as may be practicable; information on program costs and accomplishments;

(3) any other desirable classifications of data;

(4) a reconciliation of the summary data on expenditures with proposed appropriations;

(5) estimated expenditures and proposed appropriations necessary in his judgment for the support of the Government for the ensuing fiscal year, and projections for the four fiscal years immediately following the ensuing fiscal year, except that estimated expenditures and proposed appropriations for such years for the legislative branch of the Government and the Supreme Court of the United States shall be transmitted to the President on or before October 15 of each year, and shall be included by him in the Budget without revision;

(6) estimated receipts of the Government during the ensuing fiscal year and projections for the four fiscal years immediately following the ensuing fiscal year, under (1) laws existing at the time the Budget is transmitted and also (2) under the revenue proposals, if any, contained in the Budget;

* * * * *

(11) such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practicable detail the financial condition of the Government;

(12) with respect to each proposal in the Budget for new or additional legislation which would create or expand any function, activity, or authority, in addition to those functions, activities, and authorities then existing or as then being administered and operated, a tabulation showing—

(A) the amount proposed in the Budget for appropriation and for expenditure in the ensuing fiscal year on account of such proposal; and

(B) the estimated appropriation required on account of such proposal in each of the four fiscal years, immediately following that ensuing fiscal year, during which such proposal is to be in effect; and

(13) an allowance for additional estimated expenditures and proposed appropriations for the ensuing fiscal year, and allowance for unanticipated uncontrollable expenditures for the ensuing fiscal year.

(b) Transmittal of supplemental summary to Congress.

The President shall transmit to the Congress, on or before July 15 of each year, a supplemental summary of the Budget for the ensuing fiscal year transmitted to the Congress by the President under subsection (a) of this section. Such supplemental summary—

* * * * *

(c) Transmittal of estimated expenditure summaries to Congress.

The President shall transmit to the Congress, on or before July 15 of each year, in such form and detail as he may determine—

* * * * *

(d) Separate statement of enumerated items.

The Budget transmitted pursuant to subsection (a) of this section for each fiscal year shall set forth separately the items enumerated in section 1322(a)(1)–(5) of this title.

(e) Levels of tax expenditures.

The Budget transmitted pursuant to subsection (a) of this section for each fiscal year shall set forth the levels of tax expenditures under existing law for such fiscal year (the tax expenditure budget), taking into account projected economic factors, and any changes in such existing levels based on proposals contained in such Budget. For purposes of this subsection, thet terms "tax expenditures" and "tax expenditures budget" have the meanings given to them by section 1302(a)(3) of this title.

(f) Comparison, analysis, and explanation.

The Budget transmitted pursuant to subsection (a) of this section for each fiscal year shall contain—

(1) a comparison, for the last completed fiscal year, of the total amount of outlays estimated in the Budget transmitted pursuant to subsection (a) of this section for each major program involving uncontrollable or relatively uncontrollable outlays and the total amount of outlays made under each such major program during each fiscal year;

(2) a comparison, for the last completed fiscal year, of the total amount of revenues estimated in the Budget transmitted pursuant to subsection (a) of this section and the total amount or revenues received during such year, and, with respect to each major revenue source, the amount of revenues estimated in the Budget transmitted pursuant to subsection (a) of this section and the amount of revenues received during such year; and

(3) an analysis and explanation of the difference between each amount set forth pursuant to paragraphs (1) and (2) as the amount of outlays or revenues estimated in the Budget submitted under subsection (a) of this section for such fiscal year and the corresponding amount set forth as the amount of outlays made or revenues received during such fiscal year.

(g) Transmittal of Presidential statement to Congress.

The President shall transmit to the Congress, on or before April 10 and July 15 of each year, a statement of all amendments to or revisions in the budget authority requested, the estimated outlays, and the estimated receipts for the ensuing fiscal year set forth in the Budget transmitted pursuant to subsection (a) of this section (including any previous amendments or revisions proposed on behalf of the executive branch) that he deems necessary and appropriate based on the most current information available. Such statement shall contain the effect of such amendments and revisions on the summary data submitted under subsection (a) of this section and shall include such supporting detail as is practicable. The statement transmitted on or before July 15 of any year may be included in the supplemental summary required to be transmitted under subsection (b) of this section during such year. The Budget transmitted to the Congress pursuant to subsection (a) of this section for any fiscal year, or the supporting detail transmitted in connection therewith, shall include a statement of all such amendments and revisions with respect to the fiscal year in progress made before the date of transmission of such Budget.

(h) Estimates.

The Budget transmitted pursuant to subsection (a) of this section for each fiscal year shall include information with respect to estimates of appropriations for the next succeeding fiscal year for grants, contracts, or other payments under any program for which there is an authorization of appropriations for such succeeding fiscal year and such appropriations are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year in which the appropriation is to be available for obligation.

(i) National needs, agency missions, and basic programs.

The Budget transmitted pursuant to subsection (a) of this section for each fiscal year, beginning with the fiscal year ending September 30, 1979, shall contain a presentation of budget authority, proposed budget authority, outlays, proposed outlays, and descriptive information in terms of—

(1) a detailed structure of national needs which shall be used to reference all agency missions and programs;

(2) agency missions; and

(3) basic programs.

To the extent practicable, each agency shall furnish information in support of its budget requests in accordance with its assigned missions in terms of Federal functions and subfunctions, including mission responsibilities of component organizations, and shall relate its programs to agency missions. (As amended July 12, 1974, Pub. L. 93–344, title VI, §§ 601–604, 88 Stat. 323, 324.)

AMENDMENTS

1974—Subsec. (a)(5). Pub. L. 93–344, § 603(1), (2), inserted "and projections for the four fiscal years immediately following the "ensuing fiscal year" following "fiscal year" and substituted "such years" for "such year".

Subsec. (a)(6). Pub. L. 93–344, § 603(3), inserted "and projections for the four fiscal years immediately following the ensuing fiscal year" following "ensuing fiscal year".

Subsec. (a)(13). Pub. L. 93–344, § 604, added subpar. (13).

Subsecs. (b), (c). Pub. L. 93–344, § 602, substituted "on or before July 15 of each year" for "on or before June 1

of each year, beginning with 1972" in both subsecs. (b) and (c).

Subsecs. (d)–(i), Pub. L. 93–344, § 601, added subsecs. (d) to (i).

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment of subsec. (a) by Pub. L. 93–344 applicable with respect to the fiscal year beginning on July 1, 1975, and succeeding fiscal years, amendment of subsecs. (b) and (c) by Pub. L. 93–344 applicable with respect to the fiscal year beginning on Oct. 1, 1976, and succeeding fiscal years, enactment of subsecs. (d), (e), and (f) by Pub. L. 93–344 applicable with respect to the fiscal year beginning on July 1, 1975, and succeeding fiscal years, enactment of subsec. (g) by Pub. L. 93–344 applicable with respect to the fiscal year beginning on Oct. 1, 1976, and succeeding fiscal years, enactment of subsec. (h) by Pub. L. 93–344 applicable with respect to the fiscal year beginning on July 1, 1975, and succeeding fiscal years, and enactment of subsec. (i) by Pub. L. 93–344 applicable with respect to the fiscal year beginning on Oct. 1, 1976, and succeeding fiscal years, see section 905(d) of Pub. L. 93–344, set out as a note under section 1301 of this title.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Office of Management and Budget note set out under this section in the main volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11a, 11b, 11d of this title; title 2 section 358; title 10 section 139; title 20 sections 241–1, 1981; title 21 section 1002; title 39 section 2009.

§ 11a. Estimated outlays and proposed budget authority; annual submittal to Congress by President.

(a) On or before November 10 of each year (beginning with 1975), the President shall submit to the Senate and the House of Representatives the estimated outlays and proposed budget authority which would be included in the Budget to be submitted pursuant to section 11 of this title for the ensuing fiscal year if all programs and activities were carried on during such ensuing fiscal year at the same level as the fiscal year in progress and without policy changes in such programs and activities. The estimated outlays and proposed budget authority submitted pursuant to this section shall be shown by function and subfunctions (in accordance with the classifications in the budget summary table entitled "Budget Authority and Outlays by Function and Agency"), by major programs within each such function, and by agency. Accompanying these estimates shall be the economic and programmatic assumptions underlying the estimated outlays and proposed budget authority, such as the rate of inflation, the rate of real economic growth, the unemployment rate, program caseloads, and pay increases.

(b) The Joint Economic Committee shall review the estimated outlays and proposed budget authority so submitted, and shall submit to the Committees on the Budget of both Houses an economic evaluation thereof on or before December 31 of each year. (Pub. L. 93–344, title VI, § 605, July 12, 1974, 88 Stat. 325.)

CODIFICATION

Section was enacted as part of the Congressional Budget Act of 1974 and not as part of the Budget and Accounting Act, 1921, which comprises this chapter.

EFFECTIVE DATE

Section effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

§ 11b. Congressional studies of provisions exempting Federal agencies or agency activities or outlays from inclusion in the Budget.

The Committees on the Budget of the House of Representatives and the Senate shall study on a continuing basis those provisions of law which exempt agencies of the Federal Government, or any of their activities or outlays, from inclusion in the Budget of the United States Government transmitted by the President under section 11 of this title. Each committee shall, from time to time, report to its House its recommendations for terminating or modifying such provisions. (Pub. L. 93–344, title VI, § 606, July 12, 1974, 88 Stat. 325.)

CODIFICATION

Section was enacted as part of the Congressional Budget Act of 1974 and not as part of the Budget and Accounting Act, 1921, which comprises this chapter.

EFFECTIVE DATE

Section effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

§ 11c. Year-ahead requests for authorization of new budget authority.

Notwithstanding any other provision of law, any request for the enactment of legislation authorizing the enactment of new budget authority to continue a program or activity for a fiscal year (beginning with the fiscal year commencing October 1, 1976) shall be submitted to the Congress not later than May 15 of the year preceding the year in which such fiscal year begins. In the case of a request for the enactment of legislation authorizing the enactment of new budget authority for a new program or activity which is to continue for more than one fiscal year, such request shall be submitted for at least the first 2 fiscal years. (Pub. L. 93–344, title VI, § 607, July 12, 1974, 88 Stat. 325.)

CODIFICATION

Section was enacted as part of the Congressional Budget Act of 1974 and not as part of the Budget and Accounting Act, 1921, which comprises this chapter.

EFFECTIVE DATE

Section effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

§ 11d. Changes in functional categories.

Any change in the functional categories set forth in the Budget of the United States Government transmitted pursuant to section 11 of this title shall be made only in consultation with the Committees on Appropriations and the Budget of the House of Representatives and Senate. (Pub. L. 93–344, title VIII, § 802, July 12, 1974, 88 Stat. 330.)

CODIFICATION

Section was enacted as part of the Congressional Budget Act of 1974 and not as part of the Budget and Accounting Act, 1921, which comprises this chapter.

EFFECTIVE DATE

Section effective July 12, 1974, see section 905 of Pub. L. 93-344, set out as a note under section 1301 of this title.

§ 16. Office of Management and Budget; Director and Deputy Director; duties; preparation of Budget, etc.

There is in the Executive Office of the President an Office of Management and Budget. There shall be in the Office a Director and a Deputy Director, both of whom shall be appointed by the President, by and with the advice and consent of the Senate. The deputy director shall perform such duties as the director may designate, and during the absence or incapacity of the director or during a vacancy in the office of director he shall act as director. The Office, under such rules and regulations as the President may prescribe, shall prepare the Budget, and any proposed supplemental or deficiency appropriations, and to this end shall have authority to assemble, correlate, revise, reduce, or increase the requests for appropriations of the several departments or establishments. (As amended Mar. 2, 1974, Pub. L. 93-250, § 1, 88 Stat. 11.)

AMENDMENTS

1974—Pub. L. 93-250 substituted provision for an Office of Management and Budget for a prior bureau known as Bureau of the Budget and required Senate advice and consent in Presidential appointment of the Director and the Deputy Director.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 2 of Pub. L. 93-250 provided that:

"The amendment made by the first section of this Act [to this section] shall take effect—

"(1) insofar as such amendment relates to appointments to the office of Director of the Office of Management and Budget, immediately after the individual holding that office on the date of the enactment of this Act [Mar. 2, 1974] ceases to hold that office;

"(2) insofar as such amendment relates to appointments to the office of Deputy Director of the Office of Management and Budget, immediately after the individual holding that office on the date of the enactment of this Act [Mar. 2, 1974] ceases to hold that office; and

"(3) immediately as to such vacant office or offices, if the Office of the Director or the Office of the Deputy Director of the Office of Management and Budget is vacant when this Act [amending this section] is enacted."

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

EX. ORD. NO. 11541. PRESCRIBING DUTIES OF THE OFFICE OF MANAGEMENT AND BUDGET AND THE DOMESTIC COUNCIL

Supersedure of Ex. Ord. No. 11541 to the extent that it is inconsistent with Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, see section 11(6) of Ex. Ord. No. 11609, set out as a note under section 301 of Title 3, The President; with Ex. Ord. No. 11713, Apr. 21, 1973, 38 F.R. 10069, see section 3 of Ex. Ord. No. 11713, set out as a note under section 301 of Title 3, The President; with Ex. Ord. No. 11717, May 9, 1973, 38 F.R. 12315, see section 5 of Ex. Ord. No. 11717, set out as a note under this section.

EX. ORD. NO. 11647. FEDERAL REGIONAL COUNCILS

Ex. Ord. No. 11647, Feb. 10, 1972, 37 F.R. 3167, as amended by Ex. Ord. No. 11731, July 23, 1973, 38 F.R. 19903; Ex. Ord. No. 11892, Dec. 31, 1975, 41 F.R. 751, provided:

The proper functioning of Government requires the development of closer working relationships between major Federal grantmaking agencies and State and local government and improved coordination of the categorical grant system.

I have heretofore directed the Domestic Council to:

(1) receive and develop information necessary for assessing national domestic needs and defining national domestic goals, and to develop for the President alternative proposals for reaching those goals;

(2) collaborate with the Office of Management and Budget and others in the determination of national domestic priorities for the allocation of available resources;

(3) collaborate with the Office of Management and Budget and others to assure a continuing review of ongoing programs from the standpoint of their relative contributions to national goals as compared with their use of available resources; and

(4) provide policy advice to the President on domestic issues.

Furthermore, I have assigned to the Office of Management and Budget the responsibility for assisting the President in developing efficient coordinating mechanisms to implement Government activities and to expand interagency cooperation. Three years ago I directed that the senior regional officials of certain of the grantmaking agencies convene themselves in regional councils to better coordinate their services to Governors, Mayors, and the public.

I have now determined that the measures prescribed by this Order would assure improved service to the public.

Now, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. *Federal Regional Councils.* (a) There is hereby continued a Federal Regional Council for each of the ten standard Federal regions. The President shall designate one member of each Council as Chairman, Representative of the Office of Management and Budget may participate in any deliberations of each Council. Each Council shall be composed of the principal regional officials of the following departments and agencies:

(1) The Department of the Interior.
(2) The Department of Agriculture.
(3) The Department of Commerce.
(4) The Department of Labor.
(5) The Department of Health, Education, and Welfare.
(6) The Department of Housing and Urban Development.
(7) The Department of Transportation.
(8) The Community Services Administration.
(9) The Environmental Protection Agency.
(10) The Federal Energy Administration.
(11) The Law Enforcement Assistance Administration.

(b) Each member of each Council may designate an alternate who shall serve as a member of the Council involved whenever the regular member is unable to attend any meeting of the Council.

(c) When the Chairman determines that matters which significantly affect the interests of the Federal agencies which are not represented on any such Council are to be considered by the Council, he shall invite the regional director or other appropriate representative of the agency involved to participate in the deliberations of the Council.

SEC. 2. *Functions of the Council.* Each Federal Regional Council shall be constituted as a body within which the participating agencies will, under the general policy formulation of the Under Secretaries Group, and to the maximum extent feasible, assist State and local government by the coordination of the Federal program grants and operations through:

(1) the development of better ways to deliver the benefits of Federal programs over the short term;

(2) the development of integrated program and funding plans with Governors and local chief executives;

(3) the encouragement of joint and complementary Federal grant applications by local and State governments;

(4) the expeditious resolution of conflicts and problems which may arise between Federal agencies;

(5) the evaluation of programs in which two or more member agencies participate;

(6) the development of more effective ways of allocating Federal resources to meet the long-range needs of State and local communities;

(7) the supervision of regional interagency program coordination mechanisms; and

(8) the development of administrative procedures to improve day-to-day cooperation on an interagency and intergovernmental basis.

SEC. 3. *Under Secretaries Group for Regional Operations.* (a) The Under Secretaries Group for Regional Operations is hereby continued and shall be composed of the following:

(1) The Under Secretary of the Interior.

(2) The Under Secretary of Agriculture.

(3) The Under Secretary of Commerce.

(4) The Under Secretary of Labor.

(5) The Under Secretary of Health, Education, and Welfare.

(6) The Under Secretary of Housing and Urban Development.

(7) The Deputy Secretary of Transportation.

(8) The Deputy Director of the Community Services Administration.

(9) The Deputy Administrator of the Environmental Protection Agency.

(10) The Deputy Administrator of the Federal Energy Administration.

(11) The Administrator of the Law Enforcement Assistance Administration.

(12) An Associate Director of the Domestic Council.

(13) The Deputy Director of the Office of Management and Budget, who shall be Chairman.

(b) When the Chairman determines that matters which significantly affect the interests of a Federal agency not represented on the Group are to be considered by the Group, he shall invite an appropriate representative of the agency involved to participate in the deliberations of the Group.

(c) The Under Secretaries Group for Regional Operations shall, consistent with the objectives and priorities established by the President and the Domestic Council, establish policy with respect to Federal Regional Council matters provide guidance to the Council, respond to their initiatives, and seek to resolve policy issues referred to it by the Councils. The Under Secretaries Group, under the Chairmanship of the Deputy Director of the Office of Management and Budget, shall be responsible for the proper functioning of the system established by this Order.

SEC. 4. *Construction.* Nothing in this Order shall be construed as subjecting any department, establishment, or other instrumentality of the executive branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

RICHARD NIXON.

COMMUNITY SERVICES ADMINISTRATION

Pub. L. 93–644, § 9(a), Jan. 4, 1975, 88 Stat. 2310, amended the Economic Opportunity Act of 1964 to create the Community Services Administration as the successor authority to the Office of Economic Opportunity. For all references to the Office of Economic Opportunity or to the Director of the Office of Economic Opportunity in statutes, reorganization plans, executive orders, regulations, or other official documents or proceedings to be deemed, on or after Jan. 4, 1975, to refer to the Community Services Administration, or to the Director thereof, see section 2941 of Title 42, The Public Health and Welfare.

EX. ORD. NO. 11717. TRANSFER OF CERTAIN FUNCTIONS FROM OFFICE OF MANAGEMENT AND BUDGET TO GENERAL SERVICES ADMINISTRATION AND DEPARTMENT OF COMMERCE

Ex. Ord. No. 11717, May 9, 1973, 38 F.R. 12315, provided:

By virtue of the authority vested in me as President by the Constitution and Statutes of the United States, particularly by section 301 of title 3 of the United States Code, the Federal Property and Administrative Services Act of 1949, as amended, the Budget and Accounting Act, 1921, as amended, the Budget and Accounting Procedures Act of 1950, as amended, and Reorganization Plan No. 2 of 1970 [set out as a note under this section], it is hereby ordered as follows:

SECTION 1. There are hereby transferred to the Administrator of General Services all functions that were being performed in the Office of Management and Budget on April 13, 1973 by:

(1) the Financial Management Branch, the Procurement and Property Management Branch, and the Management Systems Branch of the Organization and Management Systems Division; and

(2) the Management Information and Computer Systems Division with respect to policy control over automatic data processing (except those functions relating to the establishment of Government-wide automatic data-processing standards).

SEC. 2. There are hereby transferred to the Secretary of Commerce all functions being performed on the date of this order in the Office of Management and Budget relating to the establishment of Government-wide automatic data processing standards, including the function of approving standards on behalf of the President pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended [section 759(f)(2) of Title 40, Public Buildings, Property, and Works].

SEC. 3. (a) The functions transferred to the Administrator of the General Services Administration and to the Secretary of Commerce by this order do not include those performed in connection with the general oversight responsibilities of the Director of the Office of Management and Budget, as the head of that agency and as Assistant to the President for executive management, and the functions transferred by this order shall be performed subject to such general oversight to the same extent that other functions of the General Services Administration and the Department of Commerce, respectively, are so performed.

(b) The functions vested in the President by the first sentence of section 111(g) of the Federal Property and Administrative Services Act of 1949, as amended [section 759(g) of Title 40, Public Buildings, Property, and Works], with respect to fiscal control of automatic data processing activities shall continue to be performed by the Director of the Office of Management and Budget. No function vested by statute in the Director shall be deemed to be affected by the provisions of this order.

SEC. 4. So much of the personnel, property, records and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available, in connection with the functions transferred by this order as the Director of the Office of Management and Budget shall determine, shall be transferred to the Department of Commerce and the General Services Administration, respectively, at such times as the Director shall specify.

SEC. 5. Executive Order No. 11541 of July 1, 1970, is hereby superseded to the extent that it is inconsistent with this order.

SEC. 6. This order shall be effective as of April 15, 1973.

RICHARD NIXON.

SUPERSEDURE

Ex. Ord. No. 11717 superseded to the extent that it is inconsistent with Ex. Ord. No. 11893, Dec. 31, 1975, 41 F.R. 1040, see section 4 of Ex. Ord. No. 11893, set out as a note under section 4252 of Title 42, The Public Health and Welfare.

§ 16c. Additional position of Assistant Director.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 17. Attorneys and other employees; expenses.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of

the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Office of Management and Budget note set out under this section in the main volume.

§ 18. Detailed study of departments and establishments.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 18a. Development of improved plans for administration of executive agencies.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 18b. Development of programs for preparing statistical information by executive agencies.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 18c. Executive agency action respecting accounting and budget classifications.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 19. Powers and duties transferred to Office of Management and Budget.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 20. Aid and information for committees of Congress.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 21. Information for Office of Management and Budget by departments and establishments; access to books, papers, etc., thereof.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 23. Time for submission of departmental requests to Office of Management and Budget; failure to submit.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 24. Form and manner of submission of departmental requests; cost-based budgets.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 25. Preparation of horizontal budget for Congress showing totality of programs for meteorology, aspects of program and funding, and estimated goals and financial requirements.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 26. Appropriation requests of District of Columbia; examination and review for priorities and reductions in expenditures.

The Office of Manageemment[1] and Budget shall carefully examine and review each request of the District of Columbia for regular, supplemental, and deficiency appropriations to determine (1) the priorities of the expenditures for which each appropriation is requested, and (2) where reductions can be made in such expenditures. (Pub. L. 91–650, title I, § 102, Jan. 5, 1971, 84 Stat. 1930.)

CODIFICATION

Section is also set out as a note under D.C. Code, § 47–211.

[1] So in original. Should read Management.

GENERAL ACCOUNTING OFFICE

§ 42. Comptroller General and Deputy Comptroller General.

There shall be in the General Accounting Office a Comptroller General of the United States and a Deputy Comptroller General of the United States, who shall be appointed by the President with the advice and consent of the Senate. The Deputy Comptroller General shall perform such duties as may be assigned to him by the Comptroller General, and during the absence or incapacity of the Comptroller General, or during a vacancy in that office, shall act as Comptroller General. (As amended July 9, 1971, Pub. L. 92–51, § 101, 85 Stat. 143.)

CODIFICATION

"Deputy Comptroller General of the United States" and "Deputy Comptroller General" were substituted for "Assistant Comptroller General of the United States" and "Assistant Comptroller General" in first and second sentences to conform to change of name made by Pub. L. 92–51.

§ 42a. Same; compensation.

(a) The compensation of the Comptroller General of the United States shall be at an annual rate which is equal to the rate for positions at level II of the Executive Schedule of subchapter II of chapter 53 of Title 5.

(b) The compensation of the Deputy Comptroller General of the United States shall be at an annual rate which is equal to the rate for positions at level III of such Executive Schedule. (As amended Pub. L. 94–82, title II, § 204(b), Aug. 9, 1975, 89 Stat. 421.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–82 substituted provision setting the compensation of the Comptroller General at an annual rate equal to the rate for positions at level II of the Executive Schedule of subchapter II of chapter 53 of Title 5 for provision setting the rate of compensation at $42,500.

Subsec. (b). Pub. L. 94–82 substituted provision that compensation of the Deputy Comptroller General shall be at an annual rate equal to the rate for positions at level III of the Executive Schedule of subchapter II of chapter 53 of Title 5 for provisions setting the rate of compensation of the Assistant Comptroller General at $40,000.

§ 43. Same; terms of office; removal from office; retirement.

Except as hereinafter provided in this section, the Comptroller General and the Deputy Comptroller General shall hold office for fifteen years. The Comptroller General shall not be eligible for reappointment. The Comptroller General or the Deputy Comptroller General may be removed at any time by joint resolution of Congress after notice and hearing, when, in the judgment of Congress, the Comptroller General or Deputy Comptroller General has become permanently incapacitated or has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment. Any Comptroller General or Deputy Comptroller General removed in the manner provided in this section shall be ineligible for reappointment to that office. When a Comptroller General or Deputy Comptroller General attains the age of seventy years, he shall be retired from his office.

* * * * *

(As amended July 9, 1971, Pub. L. 92–51, § 101, 85 Stat. 143.)

CODIFICATION

"Deputy Comptroller General" was substituted for "Assistant Comptroller General" to conform to change of name made by Pub. L. 92–51.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 43b of this title.

§ 46. Laws governing General Accounting Office; copies of books, records, etc., thereof as evidence.

All laws relating generally to the administration of the departments and establishments shall, so far as applicable, govern the General Accounting Office. Copies of any books, records, papers, or documents, and transcripts from the books and proceedings of the General Accounting Office, when certified by the Comptroller General or the Deputy Comptroller General under its seal, shall be admitted as evidence with the same effect as the copies and transcripts referred to in sections 661 and 665 of Title 28. (As amended July 9, 1971, Pub. L. 92–51, § 101, 85 Stat. 143.)

CODIFICATION

"Deputy Comptroller General" was substituted for "Assistant Comptroller General" to conform to change of name made by Pub. L. 92–51.

§ 51–1. General Accounting Office building.

The Comptroller General of the United States shall be entitled to the use of such space in the General Accounting Office Building as he determines to be necessary, and the head of any Federal agency which exercises authority over such building shall provide the Comptroller General with such space within the building as the Comptroller General determines to be necessary. (Pub. L. 93–604, title V, § 501(a), Jan. 2, 1975, 88 Stat. 1962.)

AUTHORIZATION OF ADMINISTRATOR OF GENERAL SERVICES TO RENT BUILDING

Section 501(b) of Pub. L. 93–604 provided that: "Notwithstanding any other provision of law, during the one-year period beginning on the date of enactment of this Act [Jan. 2, 1975], the Administrator for General Services may contract for the rent of a building in the District of Columbia to the extent necessary to secure an amount of space equal to the amount of space which the Administrator makes available to the Comptroller General of the United States during such one-year period under the provisions of subsection (a) [this section]."

§ 51a. General Counsel; compensation.

The compensation of the General Counsel of the United States General Accounting Office shall be at an annual rate which is equal to the rate for positions at level IV of the Executive Schedule. (As amended Pub. L. 94–82, title II, § 204(b), Aug. 9, 1975, 89 Stat. 421.)

REFERENCES IN TEXT

Level IV of the Executive Schedule, referred to text, is set out in section 5315 of Title 5, Government Organization and Employees.

AMENDMENTS

1975—Pub. L. 94–82 substituted provision setting the compensation of the General Counsel at an annual rate equal to the rate for positions at level IV of the Executive

Schedule for provision setting such compensation at the rate of $38,000 per annum.

§ 52b. Additional compensation for five positions in General Accounting Office; authority of Comptroller General.

The Comptroller General may fix the compensation for five positions in the General Accounting Office at rates not to exceed that prescribed, from time to time, for level IV of the Executive Schedule under section 5315 of Title 5, when he considers such action necessary because of changes in the organization, management responsibilities, or workload of the Office. (Pub. L. 88–426, title II, § 203(i), as added Pub. L. 92–190, Dec. 15, 1971, 85 Stat. 646.)

§ 52c. Employment of experts and consultants.

The Comptroller General may employ experts and consultants in accordance with section 3109 of Title 5, at rates not in excess of the maximum daily rate prescribed for GS–18 under section 5332 of Title 5 for persons in the Government service employed intermittently. Ten such experts or consultants may be employed for periods not in excess of three years. (Pub. L. 93–604, title IV, § 401, Jan. 2, 1975, 88 Stat. 1962.)

CODIFICATION

Section was not enacted as part of the Budget and Accounting Act, 1921, which comprises this chapter.

SHORT TITLE

Section 1 of Pub. L. 93–604 provided: "That this Act [enacting this section and sections 51–1 and 135 of this title, amending section 1513 of Title 7, Agriculture, sections 1701y, 1749a, 1789, and 1827 of Title 12, Banks and Banking, section 1082 of Title 20, Education, sections 71a, 82b–1, 181d, 237, 850, 851, 857, and 858 of this title, section 4207 of Title 38, Veterans' Benefits, section 756 of Title 40, Public Buildings, Property, and Works, section 309 of Title 44, Public Printing and Documents, and sections 66 and 1537 of Title 49, Transportation, and enacting provisions set out as notes under sections 51–1 and 71a of this title, and section 66 of Title 49] may be cited as the 'General Accounting Office Act of 1974'."

§ 53. Investigations and reports by Comptroller General.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 61. Annual audit of accounts and operations of District Government.

(a) General auditing principles and procedures; rules and regulations; access to papers, things, or property for facilitation of audit.

In addition to the audit carried out under section 455 of the District of Columbia Self-Government and Governmental Reorganization Act, the accounts and operations of the District government shall be audited annually by the General Accounting Office in accordance with such principles and procedures, and in such detail, and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the District and necessary to facilitate the audit, and such representatives shall be afforded full facilities for auditing the accounts and operations of the District government.

(b) Audit reports to Congress, Mayor, and Council; scope; public inspection; statement of compliance by Mayor.

(1) The Comptroller General shall submit his audit reports to the Congress, the Mayor, and the Council. The reports shall set forth the scope of the audits and shall include such comments and information as the Comptroller General may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as the Comptroller General may deem advisable.

(2) After the Mayor has had an opportunity to be heard, the Council may make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(3) The Mayor, within ninety days after receipt of the audit from the Comptroller General, shall state in writing to the Council, with a copy to the Congress, what has been done to comply with the recommendations made by the Comptroller General in the report. (Pub. L. 93–198, title VII, § 736, Dec. 24, 1973, 87 Stat. 823.)

REFERENCES IN TEXT

Section 455 of the District of Columbia Self-Government and Governmental Reorganization Act, referred to in subsec. (a), is section 455 of Pub. L. 93–198, title IV, Dec. 24, 1973, 87 Stat. 803, which established the Office of District of Columbia Auditor and directed the District of Columbia Auditor to conduct a thorough audit each year of the accounts and operations of the government of the District, and is classified to D.C. Code § 47–120.

CODIFICATION

Section is also set out in D.C. Code, § 47—120–1.

EFFECTIVE DATE

Section 771 of Pub. L. 93–198 provided in part that this section is effective on Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in a charter referendum accepted the charter set out in title IV of Pub. L. 93–198. The charter was approved by the voters on May 7, 1974.

DEFINITIONS

The definitions in section 103 of Pub. L. 93–198, title I, Dec. 24, 1973, 87 Stat. 777, classified to section 1–122 of the District of Columbia Code, apply to terms appearing in this section.

Chapter 1A.—ACCOUNTING AND AUDITING

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 181d of this title; title 12 section 1749a; title 20 section 1082; title 38 section 4207; title 40 section 756; title 49 sections 66, 1537.

§ 65. Congressional declaration of policy.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the

Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 66. Standards and systems.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 66a. Establishment and maintenance of systems.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 66b. Financial reports.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

Chapter 2.—AUDIT AND SETTLEMENT OF ACCOUNTS

Sec.
135. Audit of nonappropriated fund activities [New].

§ 71a. Same; limitation of time on claims and demands.

(1) Every claim or demand (except a claim or demand by any State, Territory, possession or the District of Columbia) against the United States cognizable by the General Accounting Office under sections 71 and 236 of this title shall be forever barred unless such claim, bearing the signature and address of the claimant or of an authorized agent or attorney, shall be received in said office within 6 years after the date such claim first accrued: *Provided*, That when a claim of any person serving in the military or naval forces of the United States accrues in time of war, or when war intervenes within five years after its accrual, such claim may be presented within five years after peace is established.

* * * * *

(As amended Jan. 2, 1975, Pub. L. 93–604, title VIII, § 801, 88 Stat. 1965.)

AMENDMENTS

1975—Subsec. (1). Pub. L. 93–604 reduced the period within which a claim or demand against the United States has to be filed from ten to six years.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 802 of Pub. L. 93–604 provided that: "The amendment provided for in section 801 [amending this section and section 723 of this title] shall go into effect 6 months after the date of enactment [Jan. 2, 1975] and will have no effect on claims received in the General Accounting Office before that time."

§ 72. Same; settlement of accounts.

TRANSFER OF FUNCTIONS

The effective date of Reorg. Plan No. 4 of 1970, referred to in the note under this section in the 1970 ed. of the Code, is Oct. 3, 1970, and not Oct. 30, 1970, as shown therein.

§ 82a–2. Relief of accountable officers of liability for illegal, improper, or incorrect payments.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 22 section 2502.

§ 82b–1. Statistical sampling procedures in examination of vouchers; adequacy and effectiveness of procedures; liability of certifying or disbursing officers and recipients for illegal, improper, or incorrect payments; collection actions against recipients.

(a) Whenever the head of any department or agency of the Government or the Commissioner of the District of Columbia determines that economies will result therefrom, such agency head or the Commissioner may prescribe the use of adequate and effective statistical sampling procedures in the examination of disbursement vouchers not exceeding such amounts as may from time to time be prescribed by the Comptroller General of the United States; and no certifying or disbursing officer acting in good faith and in conformity with such procedures shall be held liable with respect to any certification or payment made by him on a voucher which was not subject to specific examination because of the prescribed statistical sampling procedure: *Provided*, That such officer and his department or agency have diligently pursued collection action to recover the illegal, improper, or incorrect payment in accordance with procedures prescribed by the Comptroller General. The Comptroller General shall include in his reviews of accounting systems an evaluation of the adequacy and effectiveness of procedures established under the authority of this section.

* * * * *

(As amended Pub. L. 93–604, title I, § 101, Jan. 2, 1975, 88 Stat. 1959.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 93–604 substituted reference to Commissioner of the District of Columbia for reference to Commissioners of such District, increased the $100 ceiling to such amounts as may be prescribed from time to time by the Comptroller General, and added provisions requiring the Comptroller General to include in his reviews of accounting systems an evaluation of the adequacy and effectiveness of agency statistical sampling procedures.

§ 82c. Certifying officers; accountability; relief by Comptroller General.

The officer or employee certifying a voucher shall (1) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved; and (2) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any

false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved: *Provided*, That the Comptroller General may, in his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds (1) that the certification was based on official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts, or (2) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and that the United Sates has received value for such payment: *Provided further*, That the Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 66 of Title 49 whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land-grant deductions. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(cc), 86 Stat. 213.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which required certifying officers to give bonds.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 82e, 82f, 181a of this title; title 22 section 2502; title 48 section 1407g.

§ 82i. Limitation on time for final settlement of monthly or quarterly accounts of fiscal officers by General Accounting Office; suspension during war.

Effective three years after May 19, 1947, the monthly or quarterly accounts of any disbursing, accountable, or certifying officer of the Government shall be settled by the General Accounting Office within a period of not to exceed three years from the date of the receipt of the account by the General Accounting Office. A copy of the certificate of settlement in each case shall be sent to the officer involved and such settlement shall be final and conclusive on the General Accounting Office after the expiration of three years from the date of receipt of the account to the extent that no further charges or debts shall be raised in such account thereafter except as to moneys which have been or may be lost to the United States due to fraud or criminality on the part of said officer: *Provided*, That nothing in this section shall be construed to prohibit recovery from any payee of public moneys illegally or erroneously paid to such payee or to preclude the recovery from the disbursing, accountable, or certifying officer of any balance found due the Government under a settlement made within the period of three years as provided in this section: *Provided further*, That nothing in this section shall be construed to deprive any such officer of his right at any time to clear his accounts of questioned items in accordance with the provisions of existing law: *Provided further*, That the period of limitation above prescribed shall be regarded as suspended for the duration of any future war in which the United States may be engaged. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(ee), 86 Stat. 213.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which related to recovery from the surety of the disbursing, accountable, or certifying officer.

§ 95b. Removal of charges outstanding in accounts of advances to certain departments.

In all cases where relief has been granted or may hereafter be granted to disbursing officers or agents of the Army, Navy, Air Force, and State Department operating under accounts of advances, under the authority of any Act of Congress containing no provisions for the removal of charges outstanding in the accounts of advances of such Departments, and in all cases where charges have been outstanding in the accounts of advances of the aforesaid Departments for two full fiscal years and have been certified by the head of the Department concerned to the Comptroller General as uncollectible, such charges shall be removed by crediting the appropriate account of advances and debiting any appropriation made available therefor to the Department concerned: *Provided*, That nothing contained in this section shall in any way affect the financial liability of any disbursing officer or agent of the United States. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(gg), 86 Stat. 213.)

AMENDMENTS

1972—Pub. L. 92–310 substituted "disbursing officer or agent of the United States" for "disbursing officer, agent, or surety of the United States".

§ 103a. Disbursing officers of Army, Navy, Air Force, and Marine Corps; designation of deputies.

When, in the opinion of the Secretary of the Army, Navy, or Air Force, the exigencies of the service so require, disbursing officers of the Army, Navy, Air Force, and Marine Corps may, with the approval of the head of their executive department, designate deputies for the purpose of having them make disbursements as their agents, sign checks drawn against their disbursing accounts with the Treasurer of the United States, and discharge all other duties required according to law or regulation to be performed by such disbursing officers, and the agent officer shall be subject, for his official misconduct, to all liabilities and penalties prescribed by law in like cases for the officer for whom he acts as deputy. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(bb), 86 Stat. 212.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which required disbursing officers to receive the consent of their sureties prior to appointing deputies, and which required the deputies to give bonds.

§ 103b. Death, incapacity or separation from office of disbursing officers of military departments; powers of deputies.

In case of the death, incapacity, or separation from office of a disbursing officer of any of the military departments the accounts of such disbursing officer may be continued and payments made in his name by his deputy disbursing officer for a period of time not to extend beyond the last day of the second month following the month in which such

death, incapacity or separation shall occur. Such accounts and payments shall be allowed, audited and settled in the manner prescribed by law; and the checks signed in the name of the former disbursing officer shall be honored by the Treasurer of the United States, in the same manner as if the former disbursing officer had continued in office. The former disbursing officer or his estate shall not be subject to any legal liability or penalty for the official acts and defaults of the deputy disbursing officer acting in the name or in the place of the former disbursing officer under this section, but the deputy disbursing officer shall be responsible therefor. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(ff), 86 Stat. 213.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which related to the liability of the surety on the official bond of the former disbursing officer, and which related to bonds, and renewal of bonds, of the deputy disbursing officer.

§ 110. Repealed. Pub. L. 92–310, title II, § 231(t), June 6, 1972, 86 Stat. 211.

Section, act Feb. 26, 1896, ch. 33, 29 Stat. 25, related to suits on postmasters' bonds.

§ 123. Regulation of delivery in foreign countries of checks against funds of United States; prohibition in absence of assurance that payee will receive and be able to negotiate check.

PAYMENTS OF ALIENS' BENEFITS WITHHELD UNDER FOREIGN DELIVERY RESTRICTION OF CHECKS AGAINST FEDERAL FUNDS

Persons eligible to benefits when payments are withheld under this section, see note under section 402 of Title 42, The Public Health and Welfare.

§ 135. Audit of nonappropriated fund activities.

(a) The (1) operations and funds (including central funds) of nonappropriated fund and related activities authorized or operated by an executive agency to sell merchandise or services to military or other Government personnel and their dependents, such as the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, Exchange Councils of the National Aeronautics and Space Administration, commissaries, clubs, and theaters, (2) systems of accounting and internal controls of such funds and activities, and (3) any internal or independent audits or reviews of such funds and activities shall, unless otherwise provided by law, be subject to review by the Comptroller General of the United States in accordance with such principles and procedures and under such rules and regulations as he may prescribe. The Comptroller General and his duly authorized representatives shall have access to those books, accounts, records, documents, reports, files, and other papers, things, or property relevant to funds and activities within this subsection as are deemed necessary by the Comptroller General.

(b) When required by the Comptroller General for such nonappropriated fund and related activities with gross receipts from sales of more than $100,000 a year as he may designate by class, or upon specific request of the Comptroller General in any other case, each executive agency shall furnish promptly a copy of the annual report of any nonappropriated fund or related activity referred to in subsection (a) of this section. If such information is not included in any activity's annual report, such agency shall also furnish a statement showing the yearly financial operations, financial condition, and cash flow, and such other annual information relating to the activity as may be agreed upon by the Comptroller General and the head of the executive agency concerned. (Pub. L. 93–604, title III, § 301, Jan. 2, 1975, 88 Stat. 1961.)

Chapter 3.—THE TREASURER

§ 142. Repealed. Pub. L. 92–310, title II, § 231(b), June 6, 1972, 86 Stat. 209.

Section, R.S. § 302, required the Treasurer to give a bond in the sum of $150,000.

§ 144. Acting Treasurer; Special Assistant Treasurer.

The Secretary of the Treasury may appoint from among the personnel of the Treasurer's Office any person to be Acting Treasurer during the absence or illness of the Treasurer; and the Secretary of the Treasury may at any time, on the recommendation of the Treasurer, appoint from among the clerks in the Treasurer's Office any one or more of said clerks to be a Special Assistant Treasurer, with authority to sign certificates of deposit, checks, letters, telegrams, and other official documents in connection with the business of the Treasurer's Office, and who shall serve in this capacity without additional salary. Each person so appointed shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the Treasurer. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(c), 86 Stat. 209.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which prohibited appointments under this section until the official bond given by the Treasurer was made in terms to cover and apply to the acts and defaults of every person appointed.

Chapter 5.—THE BUREAU OF ENGRAVING AND PRINTING

§ 180. Night differential pay for employees in clerical-mechanical service.

REPEALS

General repealer of provisions inconsistent with Pub. L. 92–392 as not repealing or affecting provisions contained in this section, see section 13 of Pub. L. 92–392, Aug. 19, 1972, 86 Stat. 575, set out as a note under section 5341 of Title 5, Government Organization or Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 5349.

§ 181d. Audits.

The financial transactions, accounts, and reports of the fund shall be audited by the Comptroller General in accordance with the provisions of the Accounting and Auditing Act of 1950. (As amended Jan. 2, 1975, Pub. L. 93–604, title VII, § 703, 88 Stat. 1964.)

REFERENCES IN TEXT

The Accounting and Auditing Act of 1950, referred to in text, is classified to section 65 et seq. of this title.

AMENDMENTS

1975—Pub. L. 93–604 substituted provisions that the audit be made by the Comptroller General in accordance

with the provisions of the Accounting and Auditing Act of 1950, for provisions that the audit be done on an annual basis by the General Accounting Office and that a copy of each report shall be furnished promptly to the President, the Congress, and the Secretary.

Chapter 6.—DEBTS DUE BY, OR TO, THE UNITED STATES

§ 191. Priority established.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1504 of this title; title 29 section 1368.

§ 200. Documentary evidence of obligations.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 19 section 2345.

§ 237. Same; limitation of time on claims and demands.

(1) Every claim or demand (except a claim or demand by any State, Territory, possession or the District of Columbia) against the United States cognizable by the General Accounting Office under sections 71 and 236 of this title, shall be forever barred unless such claim, bearing the signature and address of the claimant or of an authorized agent or attorney, shall be received in said office within 6 years after the date such claim first accrued: *Provided*, That when a claim of any person serving in the military or naval forces of the United States accrues in time of war, or when war intervenes within five years after its accrual, such claim may be presented within five years after peace is established.

* * * * *

(As amended Jan. 2, 1975, Pub. L. 93–604, title VIII, § 801, 88 Stat. 1965.)

AMENDMENTS

1975—Subsec. (1). Pub. L. 93–604 reduced the period within which a claim or demand against the United States has to be filed from ten to six years.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93–604 effective 6 months after Jan. 2, 1975 and to have no effect on claims received in the General Accounting Office before that time, see section 801 of Pub. L. 93–604, set out as a note under section 71a of this title.

§ 241. Same; payments.

(a) Authority of heads of military departments and Secretary of the Treasury; claims by members of uniformed services; limitation; replacement of property in kind; authority of Department of Defense over claims of civilian employees; payments to survivors.

(1) Under such regulations as the Secretary of a military department, or the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a part of the Navy, may prescribe, he or his designee may settle and pay a claim arising after August 31, 1964, against the United States for not more than $15,000 made by a member of the uniformed services under the jurisdiction of that department or the Coast Guard or by a civilian officer or employee of that department or the Coast Guard, for damage to, or loss of, personal property incident to his service. If the claim is substantiated and the possession of that property is determined to be reasonable, useful, or proper under the circumstances, the claim may be paid or the property replaced in kind, This subsection does not apply to claims settled before August 31, 1964.

* * * * *

(b) Members of non-military departments; limitation; replacement of property in kind; payments to survivors.

1) Subject to any policies the President may prescribe to effectuate the purposes of this subsection and under such regulations as the head of an agency, other than a military department, the Secretary of Transportation with respect to the Coast Guard, or the Department of Defense, may prescribe, he or his designee may settle and pay a claim arising after August 31, 1964, against the United States for not more than $15,000 made by a member of the uniformed services under the jurisdiction of that agency or by a civilian officer or employee of that agency, for damage to, or loss of, personal property incident to his service. If the claim is substantiated and the possession of that property is determined to be reasonable, useful, or proper under the circumstances, the claim may be paid or the property replaced in kind. This subsection does not apply to claims settled before August 31, 1964.

* * * * *

(As amended Pub. L. 92–352, title I, § 106(a), July 13, 1972, 86 Stat. 491; Pub. L. 93–455, § 1, Oct. 18, 1974, 88 Stat. 1381.)

AMENDMENTS

1974—Subsec. (a)(1). Pub. L. 93–455, § 1(a), substituted "$15,000" for "$10,000".

Subsec. (b)(1). Pub. L. 93–455, § 1(b), established a uniform maximum limit of $15,000 that all agencies may pay in settlement of claims, and struck out provisions relating to regulations by the Secretary of State, the Administrator for the Agency for International Development, the Director of the United States Information Agency, the Director of the United States Arms Control and Disarmament Agency, the Director of ACTION, and the Board of Directors of the Overseas Private Investment Corporation, for the payment of claims made by an officer or employee of such agency.

1972—Subsec. (b)(1). Pub. L. 92–352 redesignated part of existing provisions as subpar. (A) and as so redesignated, generally amended provisions relating to settlement and payment of claims arising after Aug. 31, 1964, added subpar. (B), and substituted provisions relating to application of this subsection to claims settled before Aug. 31, 1964, for provisions relating to application of this subsection to claims settled before its enactment.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 2 of Pub. L. 93–455 provided that: "The amendments provided in this Act [amending this section] shall apply to claims based upon losses of personal property which occur after the effective date of this Act [Oct. 18, 1974]."

EFFECTIVE DATE; RECONSIDERATION AND RESETTLEMENT OF CLAIMS PREVIOUSLY SETTLED

Section 106(b) of Pub. L. 92–352 provided that: "Subsection (a) of this section [amending subsec. (b)(1) of this section] is effective August 31, 1964. Notwithstanding section 4 of the Military Personnel and Civilian Employees' Claims Act of 1964 [section 242 of this title], or any other provision of law, a claim heretofore settled in

the amount of $6,500 solely by reason of the maximum limitation established by section 3(b)(1) of such Act [subsec. (b)(1) of this section], may, upon written request of the claimant made within one year from the date of enactment of this Act [July 13, 1972], be reconsidered and settled under that section, as amended by subsection (a) of this section."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 240, 243 of this title.

Chapter 7.—BUREAU OF THE MINT, MINTS AND ASSAY OFFICES

§ 270. Repealed. Pub. L. 92-310, title II, § 231(f), June 6, 1972, 86 Stat. 210.

Section, R.S. § 3501, related to bonds of certain officers, assistants, and clerks in the Bureau of the Mint.

§ 281. Officers at New York assay office; duties.

The duties of the superintendent and the assayer of the assay office at New York shall correspond to those of superintendents and assayers of mints; and all the provisions of this title relating to mints and their officers, the duties and responsibilites of such officers, and others employed therein, and the oaths to be taken, shall extend, as far as the same may be applicable, to the assay office at New York, and to its officers, clerks, and employees. (As amended June 6, 1972, Pub. L. 92-310, title II, § 231(g), 86 Stat. 210.)

AMENDMENTS

1972—Pub. L. 92-310 eliminated provisions which related to bonds and sureties of officers of the New York assay office.

Chapter 8.—COINS, COINAGE, AND CURRENCY

COINS AND COINAGE

Sec.
324d. Bicentennial of the American Revolution dollar, half-dollar, and quarter-dollar coins [New].
324e. Same; date on coins minted between July 4, 1975 and January 1, 1977 and thereafter [New].
324f. Same; manufacture and storage of medals and coins [New].
324g. Same; minting of silver-clad coins; limit on the number [New].
324h. Same; manufacture, distribution and sale of numismatic items [New].
324i. Same; continuation of minting authority [New].

MODIFICATION OF DOLLAR PAR VALUE TO GOLD [New]

449. Establishment of new par value; authority of Secretary of the Treasury; issuance of gold certificates.
449a. Maintenance of value of dollar holdings of International Monetary Fund and international development lending institutions in terms of gold; authorization of appropriations.
449b. Disposition of increment resulting from change in par value of dollar.
449c. Presidential action for realization of international monetary reform.

JOINT COMMISSION ON THE COINAGE

§ 301. Membership.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

COINS AND COINAGE

§ 317. Minor coins; weight and alloy.

(a) The minor coins of the United States shall be a five-cent piece, and a one-cent piece. The alloy for the five-cent pieces shall be of copper and nickel, to be composed of three-fourths copper and one-fourth nickel. The alloy of the 1-cent piece shall be 95 per centum of copper and 5 per centum of zinc. The weight of the piece of 5 cents shall be seventy-seven and sixteen-hundredths grains troy, and of the one-cent piece, forty-eight grains.

(b) Whenever in the judgment of the Secretary of the Treasury such action is necessary to assure an adequate supply of coins to meet the national needs, he may prescribe such composition of copper and zinc in the alloy of the one-cent piece as he may deem appropriate. Such one-cent pieces shall have such weight as may be prescribed by the Secretary.

(c)(1) The Secretary of the Treasury may change the alloy of the one-cent piece to such other metallic composition as he shall determine—

(A) whenever he determines that the use of copper in the one-cent piece is not practicable;

(B) after he issues an order stating the pertinent physical properties, including content, weight, dimensions, shape, and design; and in determining such physical property takes into consideration the use of such coins in coin-operated devices; and

(C) after he notifies in writing, on the same day as the issuance of the order under subparagraph (B), the Committee on Banking and Currency of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate of the contents of the determinations and orders made under paragraph (1), and a period of sixty calendar days of continuous session of Congress commencing after the date of such notification elapses.

(2) There shall be no coinage pursuant to this subsection after December 31, 1977.

(3) For purposes of this subsection—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period.

(As amended Oct. 11, 1974, Pub. L. 93-441, § 1, 88 Stat. 1261.)

AMENDMENTS

1974—Pub. L. 93-441 designated existing provisions as subsec. (a), and added subsecs. (b) and (c).

§ 324. Inscriptions on coins.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 324i of this title.

§ 324d. Bicentennial of the American Revolution dollar, half-dollar, and quarter-dollar coins.

The reverse side of all dollar, half-dollar, and quarter-dollar coins minted for issuance on or after July 4, 1975, and until such time as the Secretary of the Treasury may determine, shall bear a design determined by the Secretary to be emblematic of the Bicentennial of the American Revolution. (Pub. L. 93-127, § 1, Oct. 18, 1973, 87 Stat. 455.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 324i of this title.

§ 324e. Same; date on coins minted between July 4, 1975 and January 1, 1977 and thereafter.

All dollar, half-dollar, and quarter-dollar coins minted for issuance between July 4, 1975, and January 1, 1977, shall bear "1776–1976" in lieu of the date of coinage; and all dollar, half-dollar, and quarter-dollar coins minted thereafter until such time as the Secretary of the Treasury may determine shall bear a date emblematic of the Bicentennial in addition to the date of coinage. (Pub. L. 93–127, § 2, Oct. 18, 1973, 87 Stat. 455.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 324i of this title.

§ 324f. Same; manufacture and storage of medals and coins.

Until the Secretary of the Treasury determines that the mints of the United States are adequate for the production of ample supplies of coins and medals, any facility of the Bureau of the Mint may be used for the manufacture and storage of medals and coins. (Pub. L. 93–127, § 3, Oct. 18, 1973, 87 Stat. 456.)

SECTION REFERRED TO IN OTHER SECTION

This section is referred to in section 324i of this title.

§ 324g. Same; minting of silver-clad coins; limit on the number.

Notwithstanding any other provision of law with respect to the design of coins, the Secretary shall mint prior to July 4, 1976, for issuance on and after July 4, 1975, 45 million silver-clad alloy coins authorized under section 391(a) of this title, commemorating the Bicentennial of the American Revolution, of such design, in such denomination, and containing such quantities of such other metals as he determines appropriate. In addition, the Secretary shall coin and issue not more than an additional 15 million such coins, if he determines such coins are needed to meet public demand. Coins minted under this section may only be distributed by the Secretary as proof or uncirculated coins at such prices as he may determine. The Secretary is authorized, by regulation, to limit the number of silver coins minted under this section which any one person may purchase. Coins minted under this section shall be treated as pieces subject to the one hundred and fifty million piece limitation contained in section 391(d) of this title, and shall be subject to such limitation. Receipts from the sale of coins under this section shall be covered into the Treasury as miscellaneous receipts. (Pub. L. 93–127, § 4, Oct. 18, 1973, 87 Stat. 456, amended Pub. L. 93–541, § 5, Dec. 26, 1974, 88 Stat. 1739.)

AMENDMENTS

1974—Pub. L. 93–541 substituted "July 4, 1976, for issuance on and after July 4, 1975" for "July 4, 1975, for issuance on and after such date".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 324i of this title.

§ 324h. Same; manufacture, distribution and sale of numismatic items.

In connection with the operations of the Bureau of the Mint, the Secretary of the Treasury is authorized to manufacture and distribute numismatic items. Proceeds from the sale of numismatic items shall be reimbursed to the current appropriation for the cost of manufacturing and handling of such items. (Pub. L. 93–127, § 5, Oct. 18, 1973, 87 Stat. 456.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 324i of this title.

§ 324i. Same; continuation of minting authority.

Nothing in sections 324d to 324i of this title prohibits the Secretary of the Treasury, when he deems it necessary to assure an adequate supply of coins to meet the national needs, from continuing the minting for issuance during the calendar year 1975 of dollar, half-dollar, and quarter-dollar coins bearing the design and coinage date provided for in section 324 of this title. (Pub. L. 93–127, § 6, as added Pub. L. 93–541, § 4, Dec. 26, 1974, 88 Stat. 1739.)

CLAD COINAGE

§ 391. Minting and issuance of clad coins; denominations and specifications; limitation on minting of dollar pieces.

TRANSFER OF MONEYS DERIVED FROM SALE OF $1 EISENHOWER COINS TO EISENHOWER COLLEGE; AMOUNT

Pub. L. 93–441, § 2, Oct. 11, 1974, 88 Stat. 1262, provided that:

"(a) Except as provided by subsection (b) and after receiving the assurances described in subsection (c), the Secretary of the Treasury is authorized to take one-tenth of all moneys derived from the sale of $1 proof coins minted and issued under section 101(d) of the Coinage Act of 1965 (31 U.S.C. 391(d)) and section 203 of the Bank Holding Company Act Amendments of 1970 (31 U.S.C. 324b) which bears the likeness of the late President of the United States, Dwight David Eisenhower, and transfer such amount of moneys to Eisenhower College, Seneca Falls, New York.

"(b) For the purposes of carrying out this section, there is authorized to be appropriated not to exceed $10,000,000.

"(c) Before the Secretary of the Treasury may transfer any moneys to Eisenhower College under this Act [amending section 317 of this title, and enacting this note], Eisenhower College must make satisfactory assurances to him that an amount equal to 10 per centum of the total amount of moneys received by Eisenhower College under this Act shall be transferred to the Samuel Rayburn Library at Bonham, Texas."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 324g of this title.

CURRENCY

§ 405b. Gold certificates; issuance authorized.

PAR VALUE MODIFICATION

Par value for the dollar of $38 per fine troy ounce of gold established pursuant to the Par Value Modification Act to be the legal standard for defining the relationship of the dollar to gold for the purpose of issuing gold certificates pursuant to this section, see section 449 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 449 of this title.

GOLD COIN AND GOLD BULLION

§ 442. Repealed. Pub. L. 93–110, § 3(a), Sept. 21, 1973, 87 Stat. 352.

Section, act Jan. 30, 1934, ch. 6, § 3, 48 Stat. 340; 1946 Proc. No. 2695, 11 F.R. 7517, 60 Stat. 1352, authorized the Secretary of the Treasury to promulgate regulations for the acquisition and use of gold and exemptions for gold held beyond continental United States.

EFFECTIVE DATE OF REPEAL

Section 3(c) of Pub. L. 93–110 as amended by Pub. L. 93–373, § 2, Aug. 14, 1974, 88 Stat. 445, provided that: "The provisions of subsections (a) and (b) of this section [repealing this section and section 443 of this title and enacting provisions set out as a note under this section] shall take effect either on December 31, 1974, or at any time prior to such date that the President finds and reports to Congress that international monetary reform shall have proceeded to the point where elimination of regulations on private ownership of gold will not adversely affect the United States' international monetary position."

PROHIBITION OF CONSTRUCTION OF LAW OR REGULATION AGAINST DEALING WITH GOLD

Section 3(b) of Pub. L. 93–110, as amended by Pub. L. 93–373, § 2, Aug. 14, 1974, 88 Stat. 445, provided that: "No provision of any law in effect on the date of enactment of this Act [Sept. 21, 1973], and no rule, regulation, or order in effect on the date subsections (a) and (b) become effective [see Effective Date of Repeal note set out under this section] may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold in the United States or abroad."

§ 443. Repealed. Pub. L. 93–110, § 3(a), Sept. 21, 1973, 87 Stat. 352.

Section, act Jan. 30, 1934, ch. 6, § 4, 48 Stat. 340, prohibited the acquisition and use of gold in violation of law, and provided penalties for violations.

EFFECTIVE DATE OF REPEAL

Section repealed effective either on Dec. 31, 1974 or any time prior to such date when the President finds and reports to Congress that international monetary reforms have proceeded to the point where elimination of regulations on private ownership of gold will not adversely aect the United States' international monetary position, see section 3(c) of Pub. L. 93–110, as amended by section 2 of Pub. L. 93–373, set out as a note under section 442 of this title.

PROHIBITION OF CONSTRUCTION OF LAW OR REGULATION AGAINST DEALING WITH GOLD

Prohibition of construction of law in effect on Sept. 21, 1973, or regulation thereunder against dealing with gold, see section 3(b) of Pub. L. 93–110, as amended by Pub. L. 93–373, § 2, Aug. 14, 1974, 88 Stat. 445, set out as a note under section 442 of this title.

MODIFICATION OF DOLLAR PAR VALUE TO GOLD [New]

§ 449. Establishment of new par value; authority of Secretary of the Treasury; issuance of gold certificates.

The Secretary of the Treasury is hereby authorized and directed to take the steps necessary to establish a new par value of the dollar of $1 equals 0.828948 Special Drawing Right or, the equivalent in terms of gold, of forty-two and two-ninth dollars per fine troy ounce of gold. When established such par value shall be the legal standard for defining the relationship of the dollar to gold for the purpose of issuing gold certificates pursuant to section 405b of this title. (Pub. L. 92–268, § 2, Mar. 31, 1972, 86 Stat. 116, amended Pub. L. 93–110, § 1, Sept. 21, 1973, 87 Stat. 352.)

AMENDMENTS

1973—Pub. L. 93–110 substituted "0.828948 Special Drawing Right or, the equivalent in terms of gold, of forty-two and two-ninths dollars per fine troy ounce of gold" for "one thirty-eighth of a fine troy ounce of gold".

SHORT TITLE

Section 1 of Pub. L. 92–268 provided that: "This Act [enacting this section and sections 449a and 449b of this title] may be cited as the 'Par Value Modification Act'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 449b of this title.

§ 449a. Maintenance of value of dollar holdings of International Monetary Fund and international development lending institutions in terms of gold; authorization of appropriations.

The Secretary of the Treasury is authorized and directed to maintain the value in terms of gold of the holdings of United States dollars of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association, and the Asian Development Bank to the extent provided in the articles of agreement of such institutions. There is hereby authorized to be appropriated, to remain available until expended, such amounts as may be necessary to provide for such maintenance of value. (Pub. L. 92–268, § 3, Mar. 31, 1972, 86 Stat. 117.)

§ 449b. Disposition of increment resulting from change in par value of dollar.

The increase in the value of the gold held by the United States (including the gold held as security for gold certificates) resulting from the change in the par value of the dollar authorized by section 449 of this title shall be covered into the Treasury as a miscellaneous receipt. (Pub. L. 92–268, § 4, Mar. 31, 1972, 86 Stat. 117.)

§ 449c. Presidential action for realization of international monetary reform.

It is the sense of the Congress that the President shall take all appropriate action to expedite realization of the international monetary reform noted at the Smithsonian on December 18, 1971. (Pub. L. 92–268, § 5, as added Pub. L. 93–110, § 2, Sept. 21, 1973, 87 Stat. 352.)

Chapter 10.—THE PUBLIC MONEYS

Sec.

488b–3. "Woodsy Owl" and "Smokey Bear" characters and names; definitions [New].
488b–4. Same; property of the United States [New].
488b–5. Same; use or royalty fees; special account [New].
488b–6. Same; injunction against unauthorized manufacture, use, or reproduction [New].
497a. Notification of deficiencies incurred by Federal officials [New].
530b. Same; definition [New].

CHECK FORGERY INSURANCE FUND

563a. Payments from fund to payees or special indorsees of checks drawn on and paid by designated depositaries [New].

NONESSENTIAL FEDERAL EXPENDITURES

571. Joint Committee on Reduction of Nonessential Federal Expenditures [New; Repealed].

§ 475. Repealed. Pub. L. 92–310, title II, § 231(h), June 6, 1972, 86 Stat. 210.

Section, R.S. § 3600, related to bonds of officers in mints or assay offices authorized by law to act as depositaries.

§ 480. Deputies in case of sickness or absence.

In case of the sickness or unavoidable absence of any depositary from his office, he may, with the approval of the Secretary of the Treasury, authorize the chief clerk, or some other clerk employed therein, to act in his place, and to discharge all the duties

required by law of such depositary. Such acting officer shall moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct, in like cases, of the depositary, respectively, for whom he acts. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(i), 86 Stat. 210.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which directed that the official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 545 of this title.

§ 481. Repealed. Pub. L. 92–310, title II, § 231(j), June 6, 1972, 86 Stat. 210.

Section, R.S. § 3614, related to bonds of special agents.

§ 483a. Services as self-sustaining; uniformity; regulations; deposit in Treasury; effect on other laws.

It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency (including wholly owned Government corporations as defined in the Government Corporation Control Act of 1945) to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation (which, in the case of agencies in the executive branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of any existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts: *Provided*, That nothing contained in this section shall repeal or modify existing statutes prohibiting the collection, fixing the amount, or directing the disposition of any fee, charge or price: *Provided further*, That nothing contained in this section shall repeal or modify existing statutes prescribing bases for calculation of any fee, charge or price, but this proviso shall not restrict the redetermination or recalculation in accordance with the prescribed bases of the amount of any such fee, charge or price. (Aug. 31, 1951, ch. 376, title V, § 501, 65 Stat. 290.)

REFERENCES IN TEXT

The Government Corporation Control Act of 1945, referred to in the text, is classified to section 841 et seq. of this title.

CODIFICATION

Section is set out in this Supplement to correct a typographical error in the main volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 2201.

§ 488a. Deposit of fees collected under regulations relating to "Smokey Bear"; availability.

The Secretary of Agriculture shall deposit into a special account to be available for furthering the nationwide forest-fire prevention campaign all fees collected under regulations promulgated by him relating to "Smokey Bear". (As amended June 22, 1974, Pub. L. 93–318, § 7, 88 Stat. 245.)

AMENDMENTS

1974—Pub. L. 93–318 struck out "under the provisions of section 711 of Title 18" following "relating to 'Smokey Bear'."

§ 488b–3. "Woodsy Owl" and "Smokey Bear" characters and names; definitions.

As used in sections 488b–3 to 488b–6 of this title—

(1) the term "Woodsy Owl" means the name and representation of a fanciful owl, who wears slacks (forest green when colored), a belt (brown when colored), and a Robin Hood style hat (forest green when colored) with a feather (red when colored), and who furthers the slogan, "Give a Hoot, Don't Pollute", originated by the Forest Service of the United States Department of Agriculture;

(2) the term "Smokey Bear" means the name and character "Smokey Bear" originated by the Forest Service of the United States Department of Agriculture in cooperation with the Association of State Foresters and the Advertising Council.

(3) the term "Secretary" means the Secretary of Agriculture.

(Pub. L. 93–318, § 1, June 22, 1974, 88 Stat. 244.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 488b–5 of this title

§ 488b–4. Same; property of the United States.

The following are hereby declared the property of the United States:

(1) The name and character "Smokey Bear".

(2) The name and character "Woodsy Owl" and the assoicated slogan, "Give a Hoot, Don't Pollute".

(Pub. L. 93–318, § 2, June 22, 1974, 88 Stat. 245.)

CROSS REFERENCES

Penalty for unauthorized use of "Woodsy Owl" character, name, or slogan, see section 711a of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 488b–3, 488b–5 of this title.

§ 488b–5. Same; use or royalty fees; special account.

(a) The Secretary may establish and collect use or royalty fees for the manufacture, reproduction, or use of the name or character "Woodsy Owl" and the associated slogan, "Give a Hoot, Don't Pollute", as a symbol for a public service campaign to promote wise use of the environment and programs which foster maintenance and improvement of environmental quality.

(b) The Secretary shall deposit into a special account all fees collected pursuant to sections 488b–3 to 488b–6 of this title. Such fees are hereby made available for obligation and expenditure for the purpose of furthering the "Woodsy Owl" campaign.

(Pub. L. 93–318, § 3, June 22, 1974, 88 Stat. 245.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 488b–3 of this title.

§ 488b–6. Same; injunction against unauthorized manufacture, use, or reproduction.

(a) Whoever, except as provided by rules and regulations issued by the Secretary, manufactures, uses, or reproduces the character "Smokey Bear", or the name "Smokey Bear", or a facsimile or simulation of such character or name in such a manner as suggests "Smokey Bear" may be enjoined from such manufacture, use, or reproduction at the suit of the Attorney General upon complaint by the Secretary.

(b) Whoever, except as provided by rules and regulations issued by the Secretary, manufactures, uses, or reproduces the character "Woodsy Owl", the name "Woodsy Owl", or the slogan "Give a Hoot, Don't Pollute", or a facsimile or simultation of such character, name, or slogan in such a manner as suggests "Woodsy Owl" may be enjoined from such manufacture, use, or reproduction at the suit of the Attorney General upon complaint by the Secretary. (Pub. L. 93–318, § 4, June 22, 1974, 88 Stat. 245.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 488b–3, 488b–5 of this title.

§ 492. Disbursing officers.

* * * * * *

(b) Agency authorization for drawing checks in favor of financial organizations and for credit of employee's checking account, deposit of savings, or purchase of shares; reimbursement; definitions.

* * * * * *

(3) In this subsection, the term "agency" means any department, agency, independent establishment, board, office, commission, or other establishment in the executive, legislative, or judicial branch of the Government, any wholly owned or controlled Government corporation, and the municipal government of the District of Columbia; and the term "financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union.

* * * * * *

(d) Extension of authorization for drawing checks in favor of financial organizations to other classes of recurring payments.

Procedures authorized in subsection (b) of this section, for the making of a payment in the form of a check drawn in favor of a financial organization, may be extended to any class of recurring payments, upon the written request of the person to whom payment is to be made and in accordance with regulations to be prescribed by the Secretary of the Treasury under authority of such subsection. (As amended Aug. 7, 1972, Pub. L. 92–366, 86 Stat. 506; July 19, 1975, Pub. L. 94–57, § 1(a), 89 Stat. 265.)

AMENDMENTS

1975—Subsec. (b)(3). Pub. L. 94–57 struck out "(except the Senate and House of Representatives)" following "legislative".

1972—Subsec. (d). Pub. L. 92–366 added subsec. (d).

EFFECTIVE DATE OF 1975 AMENDMENT; RULES AND REGULATIONS; REIMBURSEMENT REQUIREMENTS NONAPPLICABLE

Section 1 (b), (c) of Pub. L. 94–57, as amended by Pub. L. 94–157, title I, § 109, Dec. 18, 1975, 89 Stat. 831, provided that:

"(b) With respect to the Senate, the amendment made by subsection (a) [amending subsec. (b)(3) of this section] shall take effect whenever the Secretary of the Senate determines the feasibility of compliance with the amendment, but in no event, later than July 1, 1976. In carrying out the provisions of section 3620 of the Revised Statutes, as amended by subsection (a) [this section], the Secretary of the Senate shall promulgate such rules and regulations as may be appropriate with respect to the Senate. The provisions of section 3620(b)(1) of the Revised Statutes [subsec. (b)(1) of this section], requiring reimbursement for any additional check sent on behalf of an employee, shall not apply in the case of an additional check sent upon the request of an employee of the Senate.

"(c) With respect to the House of Representatives, the amendment made by subsection (a) [amending subsec. (b)(3) of this section] shall take effect whenever the Clerk of the House of Representatives determines the feasibility of compliance with the amendment, but in no event, later than July 1, 1976. In carrying out the provisions of section 3620 of the Revised Statutes, as amended by subsection (a) [this section], the Clerk of the House with approval of the Committee on House Administration shall promulgate such rules and regulations as may be appropriate with respect to the House. The provisions of section 3620(b)(1) of the Revised Statutes [subsec. (b)(1) of this section], requiring reimbursement for any additional check sent on behalf of an employee, shall not apply in the case of an additional check sent upon the request of an employee of the House."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 492d, 545 of this title.

§ 492–1. Disbursing clerks.

The disbursing clerks authorized by law in the several departments shall be appointed by the heads of the respective departments. Each disbursing clerk, except the disbursing clerk of the Treasury Department, must, when directed so to do by the head of the Department, superintend the building occupied by his Department. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(a), 86 Stat. 209.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which required the disbursing clerks to give bonds for the faithful discharge of their duties.

§ 492–2. Disbursing officers; statements of expenditures.

CODIFICATION

Section was formerly classified to section 104 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in section 47–107 of the District of Columbia Code.

§ 494. Acting disbursing officer in case of sickness or unavoidable absence of disbursing clerk or disbursing agent.

In case of the sickness or unavoidable absence of any disbursing clerk or disbursing agent of any executive department, independent bureau, or office in Washington, District of Columbia, he may, with the approval of the head of the department, independent bureau, or office, in which said disbursing clerk or agent is employed, authorize the clerk of highest grade employed therein to act in his place, and to discharge all the duties by law or regulations of such disbursing clerk or agent. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases, of the disbursing

clerk or disbursing agent, respectively, for whom he acts. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(w), 86 Stat. 211.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which related to the bond of the acting disbursing officer and which provided that the bond of the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place and stead.

§ 497a. Notification of deficiencies incurred by Federal officials.

Whenever any deficiency is discovered in the accounts of any official of the United States or in the accounts of any officer disbursing or chargeable with public money, the accounting officers making such discovery shall notify immediately the head of the department having control over the affairs of such official or officer of the nature and amount of such deficiency. (Pub. L. 92–310, title II, § 260, June 6, 1972, 86 Stat. 215.)

§ 506. Distress warrant.

Whenever any collector of the revenue, receiver of public money, or other officer who has received the public money before it is paid into the Treasury of the United States, fails to render his account, or pay over the same in the manner or within the time required by law, it shall be the duty of the General Accounting Office to cause to be stated the account of such officer, exhibiting truly the amount due to the United States, and to certify the same to the General Counsel for the Department of the Treasury, who shall issue a warrant of distress against the delinquent officer, directed to the marshal of the district in which such officer resides. Where the officer resides in a district other than that in which his estate may be, which it is intended to take and sell, then such warrant shall be directed to the marshals of such districts, respectively. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(k), 86 Stat. 210.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which required the distress warrant to be issued against the sureties of the delinquent officer, and substituted "Where the officer resides in a district other than that in which his estate may be" for "Where the officer and his sureties reside in different districts, or where they, or either of them, reside in a district other than that in which the estate of either may be".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 511, 516, 518, 520, 545 of this title.

§ 509. Repealed. Pub. L. 92–310, title II, § 231(*l*), June 6, 1972, 86 Stat. 210.

Section, R.S. § 3628, related to the execution of a distress warrant against the sureties of a delinquent finance officer.

§ 510. Levy to be lien.

The amount due by any delinquent officer is declared to be a lien upon the lands, tenements, and hereditaments of such officer, from the date of a levy in pursuance of the warrant of distress issued against him, and a record thereof made in the office of the clerk of the district court of the proper district, until the same is discharged according to law. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(m), 86 Stat. 210.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which declared that the amount due by any delinquent officer was a lien upon the lands, tenements, and hereditaments of the officer's sureties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 511, 514, 516, 518, 520, 545 of this title.

§ 511. Sale of lands regulated.

For want of goods and chattels of a delinquent officer, sufficient to satisfy any warrant of distress issued pursuant to sections 506 to 510 of this title, the lands, tenements, and hereditaments of such officer, or so much thereof as may be necessary for that purpose, after being advertised for at least three weeks in not less than three public places in the county or district where such real estate is situate, before the time of sale, shall be sold by the marshal of such district or his deputy. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(n), 86 Stat. 210.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which related to the sale of lands of the sureties of a delinquent officer.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 512, 514, 516, 518, 520, 545 of this title.

§ 512. Conveyance of lands.

For all lands, tenements, or hereditaments sold in pursuance of section 511 of this title, the conveyance of the marshal or his deputy, executed in due form of law, shall give a valid title against all persons claiming under such delinquent officer. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(o), 86 Stat. 210.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which related to the sureties of a delinquent officer.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 514, 516, 518, 520, 545 of this title.

§ 513. Disposal of surplus.

All moneys which may remain of the proceeds of sales, after satisfying the warrant of distress, and paying the reasonable costs and charges of the sale, shall be returned to such delinquent officer. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(p), 86 Stat. 210.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which permitted the return of any surplus to the surety of the delinquent officer.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 514, 516, 518, 520, 545 of this title.

§ 516. Extent of application of provision for distress warrants.

All the provisions relating to the issuing of a warrant of distress against a delinquent officer shall extend to every officer of the Government charged with the disbursement of the public money, in the same manner and to the same extent as if he were described and enumerated in sections 506 to 520 of this title. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(q), 86 Stat. 210.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which extended the distress warrant provisions to the sureties of a delinquent officer.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 518, 520, 545 of this title.

§ 521. Duties of officers as custodians of public moneys.

The Treasurer of the United States, all depositaries designated in accordance with section 476 of this title, and those performing the duties of assistant treasurer, all collectors of the customs, all surveyors of the customs, acting also as collectors, all receivers of public moneys at the several land offices, all postmasters, and all public officers of whatsoever character, are required to keep safely, without loaning, using, depositing in banks, or exchanging for other funds than as specially allowed by law, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered, by the proper department or officer of the Government, to be transferred or paid out; and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government which may be imposed by any law, or by any regulation of the Treasury Department made in conformity to law. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(r), 86 Stat. 210.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which authorized the President to regulate and increase the sums for which bonds are required of all United States attorneys, collectors of customs, comptrollers of customs, surveyors of customs, Navy agents, Quartermaster General, registers of public lands, paymasters in the Army, and all other officers employed in the disbursement of the public moneys, under the direction of the Army or Navy Departments.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 545 of this title; title 10 section 7605.

§ 528. Duplicates for lost, stolen, destroyed, mutilated or defaced checks.

(a) Issuance of duplicates; bond of indemnity; liability for erroneous issuance.

Except as provided in this section, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the Secretary of the Treasury is authorized to issue to the owner or holder thereof against funds available for the payment of the original check a substitute showing such information as may be necessary to identify the original check, upon receipt and approval by the Secretary of the Treasury of an undertaking to indemnify the United States, in such form and amount and with such surety, sureties or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid: *Provided*, That nothing contained in this section shall be deemed to relieve any certifying officer or any disbursing officer of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check.

* * * * *

(c) Checks drawn on depositaries in foreign countries or United States Territories and possessions; liability for erroneous issuance.

Notwithstanding the provisions of subsections (a) and (b) of this section whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States drawn on a depositary in a foreign country or a Territory or possession of the United States, including the Panama Canal Zone, is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the drawer of the original check or such other officer or employee of the United States as may be authorized by the Secretary of the Treasury with the concurrence of the head of the department or agency upon whose behalf the original check was issued is authorized, prior to the close of the fiscal year next following the fiscal year in which the check was issued, to issue to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, drawn against the account of the drawer of the original check or such other account as may be available for the payment of such substitute, upon the receipt and approval by the Secretary of the Treasury of an undertaking, to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid. Nothing contained in this section shall be deemed to relieve any certifying officer or any disbursing officer of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check.

* * * * *

(As amended June 6, 1972, Pub. L. 92–310, title II, § 231(s), 86 Stat. 211.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–310, § 231(s)(1), eliminated from the proviso references to the sureties of a certifying or disbursing officer.

Subsec. (c). Pub. L. 92–310, § 231(s)(2), eliminated from the last sentence reference to the sureties of a certifying or disbursing officer.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 545 of this title; title 40 sections 722, 726, 728, 729.

§ 529. Advances of public moneys; prohibition against.

CROSS REFERENCES

Urban mass transportation grants, advance or progress payments on account of, notwithstanding this section, see section 1603 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 475; title 5 section 3381; title 10 section 2127; title 15 section 2451; title 16 section 565a–1; title 20 sections 1221e–3, 2012, 2105, 3106; title 21 section 1118; title 22 sections 287e—1, 2103; title 33 section 1254; title 42 sections 242m, 247d, 286d, 287b, 295f–2, 295f–4, 295f–6, 296k, 300c–11; 300c–21, 300c–22, 300d–5, 300e–2, 300e–3, 4101, 6009; title 49 sections 66, 1604, 1643.

§ 530a. Same; payment in advance of subscription or other charges for newspapers, magazines, periodicals, and other publications.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 530b of this title.

§ 530b. Same; definition.

For the purposes of section 530a of this title, the term "other publications" shall include any publication printed, microfilmed, photocopied, or magnetically or otherwise recorded for auditory or visual usage. (June 12, 1930, ch. 470, § 2, as added Dec. 22, 1974, Pub. L. 93–534, 88 Stat. 1731.)

§ 533. Repealed. Pub. L. 92–310, title II, § 231(u), June 6, 1972, 86 Stat. 211.

Section, act June 3, 1902, ch. 985, 32 Stat. 303, related to advances of public money from the appropriations for the Department of Agriculture to only certain bonded persons.

§ 534. Same; Forest Service for fighting forest fires in emergency cases.

Advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the General Accounting Office. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(v), 86 Stat. 211.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which required chiefs of field parties to give bonds.

§ 535. Advances from appropriation "Boundary line, Alaska and Canada, and the United States and Canada."

Advances of money under the appropriation "Boundary line, Alaska and Canada, and the United States and Canada", may be made to the commissioner on the part of the United States and by his authority to chiefs of parties and accounts arising under advances shall be rendered through and by the commissioner on the part of the United States to the General Accounting Office as under advances made to chiefs of parties prior to March 2, 1921. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231 (aa), 86 Stat. 212.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which required chiefs of parties to give bonds.

§ 546. Appropriations for construction of public buildings; disbursement.

All disbursements of money appropriated for the construction of public buildings under the control of the Treasury Department shall be made by the Treasury Department at Washington, District of Columbia, except in cases of public buildings located so remote from the seat of government as to occasion hardship by undue delay in making payments to contractors. In every such exceptional case the Secretary of the Treasury may, in his discretion, require the collector of customs at or nearest the place where such building is being constructed to make the disbursement, as provided in section 5536 of Title 5, but in such exceptional cases no additional compensation shall be paid to any collector of customs for disbursements made under this section; and no compensation or commissions shall be allowed for the disbursement of any appropriation for the construction, extension, enlargement, remodeling, or repairs of any public building under the control of the Treasury Department, except to disbursing agents appointed before March 4, 1911. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(y), 86 Stat. 212.)

REFERENCES IN TEXT

"Section 5536 of Title 5" was substituted for "section seventeen hundred and sixty-five of the Revised Statutes of the United States (5 U.S.C. 70)" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which related to disbursing agents appointed before March 4, 1911 and who qualified by giving bonds.

§ 550. Advances to Coast and Geodetic Survey.

Advances of money from available appropriations may be made to the Coast and Geodetic Survey and by authority of the Director thereof to chiefs of parties and accounts arising under such advances shall be rendered through and by the disbursing officer of the Coast and Geodetic Survey to the General Accounting Office as under advances made to chiefs of parties prior to June 1, 1918. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(z), 86 Stat. 212.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which required chiefs of parties to give bonds.

TRANSFER OF FUNCTIONS

The effective date of Reorg. Plan No. 4 of 1970 referred to in the note under this section in the 1970 ed. of the Code, is Oct. 3, 1970, and not Oct. 30, 1970, as shown therein.

§ 551. Use of public moneys for expenses of conventions or other assemblages.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 3764.

CHECK FORGERY INSURANCE FUND

§ 561. Creation of fund; appropriations.

EFFECTIVE DATE

Section 6, formerly § 5 of act Nov. 21, 1941, renumbered by Pub. L. 93–539, § 1(a), Dec. 22, 1974, 88 Stat. 1738, provided as follows: "This Act [Title 31, §§ 561–565] shall take effect on the sixtieth day following the date of its enactment [Nov. 21, 1941]."

§ 562. Payments from fund to payees, etc., of lost or stolen checks on United States paid on forged indorsements.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 563a of this title.

§ 563. Criminal or civil liability of forger and subsequent indorsers; deposit of collections.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 563a of this title.

§ 563a. Payments from fund to payees or special indorsees of checks drawn on and paid by designated depositaries.

The Secretary of the Treasury is authorized to make available to accountable officers of the United States sums in the fund to pay a payee or special indorsee of a check drawn on and paid by a desig-

nated depository of the United States the amount of the check, without interest, where it is established, in accordance with regulations promulgated under section 564 of this title, that the conditions specified in section 562 of this title, except as they pertain to the Treasurer of the United States, have been fulfilled. Notwithstanding the provisions of section 724 of this title, where such check was payable in a foreign currency the accountable officer may be authorized to make payment in that foreign currency. The liability and restoration provisions of section 563 of this title shall apply with respect to checks drawn on designated depositaries, except that recoveries of foreign currency shall be used, as required, to reimburse either the foreign currency fund or account or the check forgery insurance fund, whichever account or fund is charged when settlement is made with the payee or indorsee. (Nov. 21, 1941, ch. 489, § 4, as added Dec. 22, 1974, Pub. L. 93–539, § 1(b), 88 Stat. 1738.)

§ 564. Rules and regulations.

Section 4 of act Nov. 21, 1941, renumbered § 5, by Pub.L. 93–539, § 1(a), Dec. 22, 1974, 88 Stat. 1738.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 563a of this title.

NONESSENTIAL FEDERAL EXPENDITURES

§ 571. Repealed. Pub. L. 93–344, title II, § 202(e)(2), July 12, 1974, 88 Stat. 304.

Section, acts Sept. 20, 1941, ch. 412, title VI, § 601, 55 Stat. 726; Oct. 21, 1965, Pub. L. 89–284, title VI, § 601, 79 Stat. 1026, provided for the creation of the Joint Committee on Reduction of Nonessential Federal Expenditures. For abolition of the Joint Committee and for transfer of the duties, functions, and personnel of the Joint Committee to the Congressional Budget Office, see section 602(e)(1) of Title 2, The Congress.

EFFECTIVE DATE OF REPEAL

Repeal effective on the day on which the first Director of the Congressional Budget Office is appointed under section 601(a) of Title 2, The Congress, see section 905(b) of Pub. L. 93–344, set out as a note under section 1301 of this title.

Chapter 11.—APPROPRIATIONS

GENERAL PROVISIONS

Sec.
581c–1. Reports on impounded funds [New; Repealed].
628–1. Withdrawal of funds from one appropriation account for credit to a working fund or to another account [New].
638a–1. Same; purchase, maintenance, and repair of passenger motor vehicles by United States Capitol Police [New].
665b. Litigation involving right to unexpended funds returned to general fund of the Treasury [New].
685a. Federal services for District government and District services for Federal Government [New].
(a) Statement of purposes; agreement for services: negotiation, approval by Director of Federal Office of Management and Budget and Mayor of District, actual cost basis of rates or charges.
(b) Reciprocal delegation of functions.
(c) Appropriations of Federal Government and District government for payment of costs; services of Chief of Metropolitan Police on nonreimbursable basis.
699b. Citizenship requirement for federal employees compensated from appropriated funds [New].
700d. Veterans Administration; settlement of construction contracts prohibited without independent audit as to reasonableness and appropriateness and specific provision in Appropriation Act [New].

GENERAL PROVISIONS

§ 581b. Prior approval by agency head of requests for legislation authorizing appropriations.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 581c. Adjustment of appropriations in connection with reorganizations.

* * * * *

(b) Transfer of functions between departments or establishments.

When under authority of law a function or activity is transferred or assigned from one department or establishment to another department or establishment, the balance of appropriations which are determined by the President to be available and necessary to finance or discharge the function or activity so transferred or assigned, shall be transferred to and be available for use by the department or establishment to which said function or activity is transferred or assigned for any purpose for which said funds were originally available. Balances so transferred shall be credited to any applicable existing appropriation account or accounts, or to any new appropriation account or accounts, which are hereby authorized to be established, and shall be merged with funds in the applicable existing or newly established appropriation account or accounts and thereafter accounted for as one fund. (Sept. 12, 1950, ch. 946, title II, § 202, 64 Stat. 838.)

CODIFICATION

Subsec. (b) of this section is reset in this supplement to correct the omission of the word "hereby" in the main edition.

DELEGATION OF FUNCTIONS

Authority of the President under this section to approve the transfers of balances of appropriations provided for in subsecs. (a) and (b) of this section delegated to the Director of the Office of Mangement and Budget, see section 9(3) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

OIL POLICY COMMITTEE

Section 6 of Ex. Ord. No. 11703, Feb. 7, 1973, 38 F.R. 3579, set out as a note under section 1862 of Title 19, Customs Duties, provides for the transfer of appropriations, allocations, personnel, etc., from the Director of the Office of Emergency Preparedness to the Chairman of the Oil Policy Committee respecting the oil import control program.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 5872.

§ 581c–1. Repealed. Pub. L. 93–344, title X, § 1003, July 12, 1974, 88 Stat. 332.

Section, act Sept. 12, 1950, ch. 946, title II, § 203, as added Oct. 27, 1972, Pub. L. 92–599, title IV, § 402, 86 Stat. 1325, and amended Mar. 8, 1973, Pub. L. 93–9, § 3, 87 Stat. 7, required the President to report on funds impounded by him. See section 1401 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

§ 623. Elimination of unnecessary words from estimates.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 624. Statements accompanying estimates.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 628–1. Withdrawal of funds from one appropriation account for credit to a working fund or to another account.

No funds made available by this or any other Act shall be withdrawn from one appropriation account for credit to another, or to a working fund, except as authorized by law: *Provided,* That, except as otherwise specifically provided by law, any funds so withdrawn and credited shall be available for the same purposes, and subject to the same limitations, conditions, and restrictions, as provided by the Act appropriating such funds: *Provided further,* That any such withdrawal and credit shall be made, without warrant action, by check. (Sept. 6, 1950, ch. 896, Ch. XII, § 1210, 64 Stat. 765.)

CODIFICATION

Section consists of a part of section 1210 of the General Appropriation Act, 1951. The remainder of section 1210 is set out as section 686–1 of this title.

§ 638a. Restrictions on purchase, operation, use and maintenance of passenger motor vehicles and aircraft.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 638a–1, 638c of this title; title 22 section 1138a.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in D.C. Code, § 40–501a.

§ 638a–1. Same; purchase, maintenance, and repair of passenger motor vehicles by United States Capitol Police.

Section 638a of this title shall not be construed as applying to the purchase, maintenance, and repair of passenger motor vehicles by the United States Capitol Police. (Pub. L. 94–59, title XI, § 1108, July 25, 1975, 89 Stat. 300.)

EFFECTIVE DATE

Section 1108 of Pub. L. 94–59 provided in part that section is effective after July 25, 1975.

§ 638c. Same; maximum purchase price of motor vehicles; exceptions.

Unless otherwise specifically provided the maximum amount allowable during the current fiscal year in accordance with section 638a of this title, for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $2,700 except station wagons for which the maximum shall be $3,100. (Pub. L. 94–91, title VI, § 601, Aug. 9, 1975, 89 Stat. 458.)

SIMILAR PROVISIONS

Section is from the Treasury, Postal Service, and General Government Appropriation Act, 1976, Pub. L. 94–91. Similar provisions were contained in the following prior appropriation acts:

1974—Aug. 21, 1974, Pub. L. 93–381, title VI, § 601, 88 Stat. 630.

1973—Oct. 30, 1973, Pub. L. 93–143, title VI, § 601, 87 Stat. 524.

1972—July 13, 1972, Pub. L. 92–351, title VI, § 601, 86 Stat. 487.

1971—July 9, 1971, Pub. L. 92–49, title VI, § 601, 85 Stat. 122.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 22 section 2396.

§ 638f. Same; Department of Defense.

Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles. (Pub. L. 94–138, § 105, Nov. 28, 1975, 89 Stat. 748.)

SIMILAR PROVISIONS

Section is from the Military Construction Appropriation Act, 1976, Pub. L. 94–138. Similar provisions were contained in the following prior appropriation acts:

1975—Pub. L. 93–636, § 105, Jan. 3, 1975, 88 Stat. 2182.

1973—Pub. L. 93–194, § 105, Dec. 20, 1973, 87 Stat. 768.

1972—Pub. L. 92–547, § 105, Oct. 25, 1972, 86 Stat. 1158.

1971—Pub. L. 92–160, § 105, Nov. 18, 1971, 85 Stat. 484.

§ 649a. Appropriations of Air Force, Army, and Navy available for pay and allowances of prisoners of war and similar persons.

REPEATED

Pub. L. 92–204, title VII, § 705, Dec. 18, 1971, 85 Stat. 727; Pub. L. 92–570, title VII, § 705, Oct. 26, 1972, 86 Stat. 1196; Pub. L. 93–238, title VII, § 705, Jan. 2, 1974, 87 Stat. 1038; Pub. L. 93–437, title VIII, § 805, Oct. 8, 1974, 88 Stat. 1224.

§ 649c. Availability of military appropriations for military equipment and supplies, construction of public works, and research and development.

Unless otherwise provided in the appropriation Act concerned, moneys appropriated to the Department of Defense (1) for the procurement of technical military equipment and supplies and the construction of public works, including moneys appropriated to the Department of the Navy for the procurement and construction of guided missiles, remain available until spent, and (2) for research and development remain available for obligation for a period of two successive fiscal years. (As amended Nov. 17, 1971, Pub. L. 92–156, title II, § 201(b), 85 Stat. 424.)

AMENDMENTS

1971—Pub. L. 92–156 substituted "Department of Defense" for "Departments of the Army, Navy, or Air Force", incorporated existing provisions in text designated as cls. (1) and (2), and made appropriation available for two successive fiscal years rather than until spent.

§ 661. Appropriations for Coast and Geodetic Survey; purchases from.

TRANSFER OF FUNCTIONS

The effective date of Reorg. Plan No. 4 of 1970, referred to in the note under this section in the 1970 ed. of the

Code, is Oct. 3, 1970, and not Oct. 30, 1970, as shown therein.

§ 665. Appropriations.

* * * * *

(c) Apportionment of appropriations; reserves; distribution; review.

* * * * *

(2) In apportioning any appropriation, reserves may be established solely to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements or greater efficiency of operations. Whenever it is determined by an officer designated in subsection (d) of this section to make apportionments and reapportionments that any amount so reserved will not be required to carry out the full objectives and scope of the appropriation concerned, he shall recommend the rescission of such amount in the manner provided in the Budget and Accounting Act, 1921, for estimates of appropriations. Except as specifically provided by particular appropriations Acts or other laws, no reserves shall be established other than as authorized by this subsection. Reserves established pursuant to this subsection shall be reported to the Congress in accordance with the Impoundment Control Act of 1974.

(d) Officers controlling apportionment or reapportionment.

(1) Any appropriation available to the legislative branch, the judiciary, the United States International Trade Commission, or the District of Columbia, which is required to be apportioned under subsection (c) of this section, shall be apportioned or reapportioned in writing by the officer having administrative control of such appropriation. Each such appropriation shall be apportioned not later than thirty days before the beginning of the fiscal year for which the appropriation is available, or not more than thirty days after approval of the Act by which the appropriation is made available, whichever is later.

* * * * *

(g) Administrative division of apportionment; simplification of system for subdividing funds.

Any appropriation which is apportioned or reapportioned pursuant to this section may be divided and subdivided administratively within the limits of such apportionments or reapportionments. The officer having administrative control of any such appropriation available to the legislative branch, the judiciary, the United States International Trade Commission, or the District of Columbia, and the head of each agency, subject to the approval of the Director of the Office of Management and Budget, shall prescribe, by regulation, a system of administrative control (not inconsistent with any accounting procedures prescribed by or pursuant to law) which shall be designed to (A) restrict obligations or expenditures against each appropriation to the amount of apportionments or reapportionments made for each such appropriation, and (B) enable such officer or agency head to fix responsibility for the creation of any obligation or the making of any expenditure in excess of an apportionment or reapportionment. In order to have a simplified system for the administrative subdivision of appropriations or funds, each agency shall work toward the objective of financing each operating unit, at the highest practical level, from not more than one administrative subdivision for each appropriation or fund affecting such unit.

* * * * *

(As amended July 12, 1974, Pub. L. 93–344, title X, § 1002, 88 Stat. 332; Jan. 3, 1975, Pub. L. 93–618, title I, § 175(a)(2), 88 Stat. 2011.)

REFERENCES IN TEXT

The Budget and Accounting Act, 1921, referred to in subsec. (c)(2), is act June 10, 1921, ch. 18, 42 Stat. 20, which is classified to section 1 et seq. of this title.

The Impoundment Control Act of 1974, referred to in subsec. (c)(2), is classified to section 1401 et seq. of this title.

AMENDMENTS

1975—Subsec. (d)(1). Pub. L. 93–618 inserted reference to the United States International Trade Commission.

Subsec. (g). Pub. L. 93–618 inserted reference to the United States International Trade Commission.

1974—Subsec. (c)(2). Pub. L. 93–344 struck out provisions which had authorized the establishment of reserves to provide for contingencies or to effect savings whenever savings were made possible through developments subsequent to the date on which the appropriation was made available, added provisions that, except as specifically provided by particular appropriations acts or other laws, no reserves be established other than as authorized by this subsection, and added requirement that reserves established pursuant to subsec. (c) be reported to the Congress in accordance with the Impoundment Control Act of 1974.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–344 effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 665a, 669 of this this; title 2 section 60a–2; title 5 sections 575, 5307; title 12 section 1749bbb–8; title 15 sections 636, 687j 713a–10, 2076, 2218; title 16 sections 470m, 831n–4; title 19 section 2171; title 20 sections 241–1, 646, 1103, 1225; title 22 sections 277d–3, 1461b, 2509, 2587; title 33 section 1104; title 39 section 2003; title 42 sections 2204, 2204a, 2210, 2293, 2295, 2394, 2942, 3772, 4343, 5613; title 47 section 603; title 49 section 921; title 50 App. section 2094.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in sections 1–251, 47–105, 47–228 of the District of Columbia Code.

§ 665b. Litigation involving right to unexpended funds returned to general fund of the Treasury.

Any provision of law which requires unexpended funds to return to the general fund of the Treasury at the end of the fiscal year shall not be held to affect the status of any lawsuit or right of action involving the right to those funds. (Pub. L. 93–52, § 111, July 1, 1973, 87 Stat. 134.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 29 section 987.

§ 679. Expenditure from appropriations for private telephone service.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 22 section 287e.

§ 682. Appropriations for public buildings available until completion of work.

CODIFICATION

Section was part of the first section of an Act entitled "An act to authorize the Secretary of the Treasury to suspend work upon the public buildings."

The preceding portion of this section, omitted here, authorized the Secretary of the Treasury to defer operations on public buildings authorized by existing laws, but not actually commenced.

§ 685a. Federal services for District government and District services for Federal Government.

(a) Statement of purposes; agreement for services: negotiation, approval by Director of Federal Office of Management and Budget and Mayor of District, actual cost basis of rates or charges.

For the purpose of preventing duplication of effort or for the purpose of otherwise promoting efficiency and economy, any Federal officer or agency may furnish services to the District government and any District officer or agency may furnish services to the Federal Government. Except where the terms and conditions governing the furnishing of such services are prescribed by other provisions of law, such services shall be furnished pursuant to an agreement (1) negotiated by the Federal and District authorities concerned, and (2) approved by the Director of the Federal Office of Management and Budget and by the Mayor. Each such agreement shall provide that the cost of furnishing such services shall be borne in the manner provided in subsection (c) of this section by the government to which such services are furnished at rates or charges based on the actual cost of furnishing such services.

(b) Reciprocal delegation of functions.

For the purpose of carrying out any agreement negotiated and approved pursuant to subsection (a) of this section, any District officer or agency may in the agreement delegate any of his or its functions to any Federal officer or agency, and any Federal officer or agency may in the agreement delegate any of his or its functions to any District officer or agency. Any function so delegated may be exercised in accordance with the terms of the delegation.

(c) Appropriations of Federal Government and District government for payment of costs; services of Chief of Metropolitan Police on nonreimbursable basis.

The cost to each Federal officer and agency in furnishing services to the District pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations available to the District officers and agencies to which such services are furnished. The costs to each District officer and agency in furnishing services to the Federal Government pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations made by the Congress or other funds available to the Federal officers and agencies to which such services are furnished, except that the Chief of the Metropolitan Police shall on a nonreimbursable basis when requested by the Director of the United States Secret Service assist the Secret Service and the Executive Protection Service in the performance of their respective protective duties under section 3056 of Title 18 and section 302 of Title 3. (Pub. L. 93–198, title VII, § 731, Dec. 24, 1973, 87 Stat. 822.)

CODIFICATION

Section is also set out in D.C. Code, § 1–826.

EFFECTIVE DATE

Section 771 of Pub. L. 93–198 provided in part that this section is effective on Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on a charter issue in the charter referendum accepted the charter set out in title IV of Pub. L. 93–198. The chapter was approved by the voters on May 7, 1974.

§ 686. Purchase or manufacture of stores or materials or performance of services by bureau or department of another bureau or department.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in sections 2–1706, 2–1723 of the District of Columbia Code.

§ 686–1. Same; available period of funds withdrawn and credited.

CODIFICATION

Section consists of a part of section 1210 of the General Appropriation Act, 1951. The remainder of section 1210 is set out as section 628–1 of this title.

§ 699. National Aeronautics and Space Administration appropriations; availability of certain appropriations without fiscal year limitation.

REPEALED

Pub. L. 92–68, § 1(e), Aug. 6, 1971, 85 Stat. 175; Pub. L. 92–304, § 1(e), May 19, 1972, 86 Stat. 159.

§ 699b. Citizenship requirement for federal employees compensated from appropriated funds.

Unless otherwise specified and during the current fiscal year, and the period July 1, 1976, through September 30, 1976, no part of any appropriation shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this section, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, or (4) is an alien from Cuba, Poland, South Viet Nam, or the Baltic countries lawfully admitted to the United States for permanent residence: *Provided*, That, for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined not more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal-clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any of-

ficer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies. (Pub. L. 94–91, title VI, § 602, Aug. 9, 1975, 89 Stat. 458.)

SIMILAR PROVISIONS

Section is from the Treasury, Postal Service, and General Government Appropriation Act, 1976, Pub. L. 94–91. Similar provisions were contained in the following prior Appropriation Acts:

1974—Pub. L. 93–381, title VI, § 602, Aug. 21, 1974, 88 Stat. 630.
1973—Pub. L. 93–143, title VI, § 602, Oct. 30, 1973, 87 Stat. 524.
1972—Pub. L. 92–351, title VI, § 602, July 13, 1972, 86 Stat. 487.
1971—Pub. L. 92–49, title VI, § 602, July 9, 1971, 85 Stat. 122.
1970—Pub. L. 91–439, title V, § 502, Oct. 7, 1970, 84 Stat. 902.
1969—Pub. L. 91–144, title V, § 502, Dec. 11, 1969, 83 Stat. 336.
1968—Pub. L. 90–479, title V, § 502, Aug. 12, 1968, 82 Stat. 717.
1967—Pub. L. 90–147, title V, § 502, Nov. 20, 1967, 81 Stat. 483.
1966—Pub. L. 89–689, title V, § 502, Oct. 15, 1966, 80 Stat. 1014.
1965—Pub. L. 89–299, title V, § 502, Oct. 28, 1965, 79 Stat. 1108.
1964—Pub. L. 88–511, title V, § 502, Aug. 30, 1964, 78 Stat. 693.
1963—Pub. L. 88–257, title V, § 502, Dec. 31, 1963, 77 Stat. 855.
1962—Pub. L. 87–880, title V, § 502, Oct. 24, 1962, 76 Stat. 1227.
1961—Pub. L. 87–125, title V, § 502, Aug. 3, 1961, 75 Stat. 282.
1960—Pub. L. 86–642, title II, § 202, July 12, 1960, 74 Stat. 476.
1959—Pub. L. 86–79, title II, § 202, July 8, 1959, 73 Stat. 165.
1958—Pub. L. 85–468, title II, § 202, June 25, 1958, 72 Stat. 224.
1957—Pub. L. 85–48, title II, § 202, June 5, 1957, 71 Stat. 53.
1956—June 13, 1956, ch. 385, title II, § 202, 70 Stat. 280.
1955—June 29, 1955, ch. 226, title II, § 202, 69 Stat. 195.
1954—Aug. 26, 1954, ch. 935, Ch. XIII, § 1302, 68 Stat. 828.
1953—Aug. 7, 1953, ch. 340, Ch. XIII, § 1302, 67 Stat. 435.
1952—July 15, 1952, ch. 758, Ch. XIV, § 1402, 66 Stat. 659.
1951—Nov. 1, 1951, ch. 664, Ch. XIII, § 1302, 65 Stat. 755.
1950—Sept. 6, 1950, ch. 897, Ch. XII, § 1202, 64 Stat. 763.
1949—Aug. 24, 1949, ch. 506, title III, § 302, 63 Stat. 661.
1948—Apr. 20, 1948, ch. 219, title II, § 202, 62 Stat. 193.
1947—July 30, 1947, ch. 359, title II, § 202, 61 Stat. 608.
1946—Mar. 28, 1946, ch. 113, title II, § 206, 60 Stat. 80.
1945—May 3, 1945, ch. 106, title II, § 206, 59 Stat. 132.
1944—June 27, 1944, ch. 286, title II, § 205, 58 Stat. 385.
1943—June 26, 1943, ch. 145, title II, § 205, 57 Stat. 196.

CROSS REFERENCES

Exceptions to citizenship requirement for:
Department of Defense personnel, see section 700 of this title.
Department of State employees, see sections 2669, 2672 of Title 22, Foreign Relations and Intercourse.
Library of Congress positions, see section 169 of Title 2, The Congress.
National Aeronautics and Space Administration employees, see section 2473 of Title 42, The Public Health and Welfare.

§ 700. Defense Department appropriations; alien personnel.

REPEATED

Pub. L. 92–204, title VII, § 703, Dec. 18, 1971, 85 Stat. 726; Pub. L. 92–570, title VII, § 703, Oct. 26, 1972, 86 Stat. 1196; Pub. L. 93–238, title VII, § 703, Jan. 2, 1974, 87 Stat. 1038; Pub. L. 93–437, title VIII, § 803, Oct. 8, 1974, 88 Stat. 1224.

§ 700a. Same; property, services, and commodities; acceptance from foreign countries; quarterly reports.

REPEATED

Pub. L. 92–204, title VII, § 720, Dec. 18, 1971, 85 Stat. 731; Pub. L. 92–570, title VII, § 720, Oct. 26, 1972, 86 Stat. 1199; Pub. L. 93–238, title VII, § 720, Jan. 2, 1974, 87 Stat. 1042; Pub. L. 93–437, title VIII, § 819, Oct. 8, 1974, 88 Stat. 1228.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Office of Management and Budget note set out under this section in the main volume.

§ 700b. Same; access roads; advances for construction.

Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of Title 23 when projects authorized therein are certified as important to the national defense by the Secretary of Defense. (Pub. L. 94–138, § 106, Nov. 28, 1975, 89 Stat. 748.)

SIMILAR PROVISIONS

Section is from the Military Construction Appropriation Act, 1976, Pub. L. 94–138. Similar provisions were contained in the following prior appropriation acts:

1975—Pub. L. 93–636, § 106, Jan. 3, 1975, 88 Stat. 2182.
1973—Pub. L. 93–194, § 106, Dec. 20, 1973, 87 Stat. 768.
1972—Pub. L. 92–547, § 106, Oct. 25, 1972, 86 Stat. 1158.
1971—Pub. L. 92–160, § 106, Nov. 18, 1971, 85 Stat. 484.

§ 700d. Veterans Administration; settlement of construction contracts prohibited without independent audit as to reasonableness and appropriateness and specific provision in Appropriation Act.

No funds appropriated in any Appropriation Act for any fiscal year shall be used to make a settlement of any construction contract by the Veterans Administration in an amount in excess of $1,000,000 which has not been audited independently as to the reasonableness and appropriateness of expenditures and which has not been provided for specifically in an Appropriations Act. (Pub. L. 93–245, ch. III, § 301, Jan. 3, 1974, 87 Stat. 1072.)

APPROPRIATION ACCOUNTS

§ 701. Accounting procedure.

(a) Transfer of obligated balances; withdrawal and restoration of unobligated balances.

The account for each appropriation available for obligation for a definite period of time shall be closed as follows:

(1) The obligated balance shall be transferred, at the time specified in subsection (b)(1) of this section, to an appropriation account of the agency

or subdivision thereof responsible for the liquidation of the obligation, in which account shall be merged the amounts so transferred from all appropriation accounts for the same general purposes; and

* * * * *

(b) Time for transfer of obligated balances and for withdrawal of unobligated balances.

(1) Any obligated balance referred to in subsection (a)(1) of this section shall be transferred as follows:

(A) for any fiscal year or years ending on or before June 30, 1976, on that June 30 which falls in the first month of June which occurs twenty-four months after the end of such fiscal year or years; and

(B) for the period commencing on July 1, 1976, and ending on September 30, 1976, and for any fiscal year commencing on or after October 1, 1976, on September 30 of the second fiscal year following that period or the fiscal year or years, as the case may be, for which the appropriation is available for obligation.

(2) The withdrawals required by subsection (a)(2) of this section shall be made—

(A) for any fiscal year ending on or before June 30, 1976, not later than September 30 of the fiscal year immediately following the fiscal year in which the period of availability for obligation expires; and

(B) for the period commencing on July 1, 1976, and ending on September 30, 1976, and for any fiscal year commencing on or after October 1, 1976, not later than November 15 following such period or fiscal year, as the case may be, in which the period of availability for obligation expires.

* * * * *

(As amended July 12, 1974, Pub. L. 93–344, title V, § 503, 88 Stat. 321.)

AMENDMENTS

1974—Subsec. (a)(1). Pub. L. 93–344, § 503(a), substituted "the time specified in subsec. (b)(1) of this section" for "June 30 of the second full fiscal year following the fiscal year or years for which the appropriation is available for obligation" as the date for the transfer of obligated balances.

Subsec. (b). Pub. L. 93–344, § 503(b), added par. (1), designated existing provisions as par. (2) and existing pars. (1) and (2) as subpars. (A) and (B) of such redesignated par. (2), and in par. (2) as so redesignated substituted provisions calling for a time table for withdrawals based upon an October 1–September 30 fiscal year for a timetable for withdrawals based upon a July 1–June 30 fiscal year.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–344 effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 702, 703, 705, 706, 707, 708 of this title.

§ 703. Review of accounts; reports by agencies and by Comptroller General.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

PERMANENT ANNUAL APPROPRIATIONS

§ 711. Permanent indefinite appropriations.

* * * * *

TREASURY DEPARTMENT

* * * * *

(11a) Payment to the Environmental Financing Authority.

For payment to the Environmental Financing Authority under subsection (h) of the Environmental Financing Act of 1972.

* * * * *

(22) Payment of interest costs on obligations guaranteed by Secretary of Housing and Urban Development.

For payments required from time to time under contracts entered into pursuant to section 5308 of Title 42 for payment of interest costs on obligations guaranteed by the Secretary of Housing and Urban Development under that section.

(23) Payments under contracts entered into pursuant to section 1453(b) of Title 42.

For payments required from time to time under contracts entered into pursuant to section 1453(b) of Title 42 with respect to projects or programs for which funds have been committed on or before December 31, 1974, and for which funds have not previously been appropriated. (As amended Oct. 18, 1972, Pub. L. 92–500, § 12(p), 86 Stat. 902; Aug. 22, 1974, Pub. L. 93–383, title I, §§ 108(f), 117(a), 88 Stat. 649, 653.)

REFERENCES IN TEXT

The Environmental Financing Act of 1972, referred to in par. (11a), is set out as a note under section 1281 of Title 33, Navigation and Navigable Waters.

PARAGRAPH 11a.

Pub. L. 92–500 added par. (11a).

PARAGRAPH 22.

Pub. L. 93–383, § 108(f), added par. (22).

PARAGRAPH 23.

Pub. L. 93–383, § 117(a), added par. (23).

§ 723a. Same; reports to the Armed Services Committees.

In the case of any public works project for which advance planning, construction design and architectural services are estimated to cost $225,000 or more, which are to be funded from moneys hereafter appropriated for such purposes pursuant to authority of section 723 of this title, the Secretary of Defense shall describe the project and report the estimated cost of such services not less than 30 days prior to initial obligation of funds therefor to the Committees on Armed Services of the Senate and House of Representatives. (As amended Pub. L. 93–552, title VI, § 607, Dec. 27, 1974, 88 Stat. 1763.)

AMENDMENTS

1974—Pub. L. 93–552 substituted "$225,000" for "$150,000."

§ 724. Utilization of foreign credits authorized in general appropriation Acts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 563a of this title; title 16 section 1537.

§ 724a. Appropriations for payment of judgments and compromise settlements against the United States.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 460bb–2.

PERMANENT APPROPRIATIONS REPEAL

§ 725e. Same.

CHANGE OF NAME

"Patent Office" redesignated "Patent and Trademark Office," by section 3 of Pub. L. 93–596, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

§ 725p. Same; trust funds.

POSTAL SAVINGS SYSTEM; UNCLAIMED DEPOSITS, DISTRIBUTION; RETENTION AND DISTRIBUTION BALANCE; PRO RATA SHARE, DETERMINATION; RETENTION BALANCE, AVAILABILITY FOR CLAIMS; APPROPRIATIONS

Pub. L. 92–117, Aug. 13, 1971, 85 Stat. 337, provided:

"That (a) to provide a sharing in the amount of unclaimed Postal Savings System deposits among the States and other jurisdictions in which such deposits were made, which is more equitable and expeditious than may be accomplished under differing escheat laws, the Secretary of the Treasury is authorized, within sixty days following enactment of this Act [Aug. 13, 1971], and on such date as he may set during each of the four succeeding calendar years, to divide the remaining principal of unclaimed deposits held pursuant to the Act of March 28, 1966 (80 Stat. 92), in the trust fund account established under section 17 of the Act of June 26, 1934 (31 U.S.C. 725p) [this section], including the accrued interest applicable thereto, into a retention balance and a distribution balance. The retention balance shall consist of that portion of the remaining principal and accrued interest which he deems necessary to retain for the purpose of honoring claims by or on behalf of depositors; the distribution balance shall consist of that portion not so designated. The Secretary is authorized to proceed to distribute to each of the fifty States and to the District of Columbia, Puerto Rico, the Virgin Islands, and Guam, referred to in this section as other jurisdictions of deposit, a pro rata share of the distribution balance. Each such share shall be determined on the basis of the ratio between—

"(1) the dollar amount of the principal of the unclaimed deposits remaining as of each determination, which had been deposited in the post offices of the given State or other jurisdiction of deposit, as the case may be, according to the records of the former Postal Savings System and the Treasury Department, and

"(2) the dollar amount of the principal of the total remaining deposits.

All determinations made by the Secretary of the Treasury under this subsection shall be final and conclusive and not subject to review in any court.

"(b) The retention balance remaining after the final distribution authorized by subsection (a) shall be held by the Secretary of the Treasury in perpetuity in the trust fund account established under section 17 of the Act of June 26, 1934 (31 U.S.C. 725p) [this section], for the purpose of honoring claims by or on behalf of depositors, without regard to any laws of the States or other jurisdictions of deposit concerning the disposition of unclaimed or abandoned property.

"SEC. 2. There is hereby authorized to be appropriated without fiscal year limitation to the trust fund established under section 17 of the Act of June 26, 1934 (31 U.S.C. 725p) [this section], out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to pay claims by or on behalf of depositors whenever the balance in that trust fund account is insufficient to pay such claims as a result of determinations and distributions authorized by the first section of this Act."

§ 725r. Permanent Appropriations Repeal Act; fees deposited in Treasury.

CHANGE OF NAME

"Patent Office" redesignated "Patent and Trademark Office", by section 3 of Pub. L. 93–596, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

§ 725s. Same; trust funds.

CODIFICATION

Section is also set out in D.C. Code, § 47–110.

§ 725s–3. Same; appropriation and disposition of power revenues.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

Chapter 12.—THE PUBLIC DEBT

Sec.

757c–4. Unmatured obligations not redeemable in payment of any United States tax in an amount above the fair market value of such obligation [New].

§ 738a. Relief to owners of securities on account of loss, theft, destruction, mutilation, or defacement.

(a) Authorization of Secretary of Treasury; regulations.

Under such regulations as he may deem necessary for the administration of this section, the Secretary of the Treasury is authorized to grant relief on account of the loss, theft, destruction, mutilation, or defacement of any security identified by number and description.

(b) Bond of indemnity.

A bond of indemnity shall be required as a condition of relief, whether before, at, or after maturity, on account of any security payable to bearer or so assigned as to become, in effect, payable to bearer which is not clearly proven to have been destroyed. The bond of indemnity shall be in such form and amount and with such surety, sureties, or security as the Secretary of the Treasury shall require.

(c) Conditions for relief.

No relief shall be granted on account of interest coupons claimed to have been attached to a security unless the Secretary is satisfied that such coupons have not been paid and are in fact destroyed or will not become the basis of a valid claim against the United States.

(d) Definition of "security".

The term "security" means any direct obligation of the United States issued pursuant to law for valuable consideration, including bonds, notes, certificates of indebtedness, and Treasury bills, and interim certificates issued for any such security. (As amended Pub. L. 92–19, May 27, 1971, 85 Stat. 74.)

AMENDMENTS

1971—Subsec. (a). Pub. L. 92–19, in revising the provisions, substituted former subsec. (d) provisions empowering Secretary of Treasury to make necessary rules and regulations for administration of section and authorization for granting relief on account of loss, theft, destruction, mutilation, or defacement of any security identified

by number and description for former provisions authorizing relief prior to maturity where bearer securities are clearly proven to have been destroyed, and where there is probability of loss or theft granting of relief only after maturity and upon a finding that sufficient time has elapsed as would indicate that the securities have been destroyed or irretrievably lost, are not held by any person as his own property, and will never become the basis of a valid claim against the United States, the latter provision now covered in subsec. (c) of this section.

Subsec. (b). Pub. L. 92–19, in revising the provisions, made it clear that indemnity bond is required whether relief is provided before, at, or after maturity, and deleted provision excepting certain classes of cases from the requirement of an indemnity bond where not essential in public interest, namely, where loss, theft, destruction, etc. occurred without fault of owner; where substantially entire security is surrendered and any missing portion is insufficient to form basis of a valid claim against the United States; where the security is transferable only by operation of law; and where owner of the security is the Federal Government or official, State or local government, Federal Government corporation, foreign government, or Federal Reserve bank.

Subsec. (c). Pub. L. 92–19 substituted provision requiring as condition for relief on account of interest coupons claimed to have been attached to a security that the Secretary of Treasury be satisfied that such coupons have not been paid and are in fact destroyed or will not become the basis of a valid claim against the United States, formerly constituting last proviso of former subsec. (a), for definition of "interest-bearing security of the United States" or "security" as meaning any direct obligation of the United States issued pursuant to law for valuable consideration and which by its terms bears interest, or is issued on a discount basis and includes bonds, notes, certificates of indebtedness, and Treasury bills, and interim certificates issued for any such security and also meaning any bond issued under section 780 of Title 26, I.R.C. 1939, provision now covered in subsec. (d) of this section.

Subsec. (d). Pub. L. 92–19 substituted definition of "security", formerly included in former subsec. (c) defining "interest-bearing security of the United States" or "security" for former provision empowering Secretary of Treasury to make rules and regulations for administration of section, now incorporated in subsec. (a) of this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 528 of this title; title 40 sections 722, 726, 728, 729.

§ 742a. Same; by Federal tax acts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 sections 2055, 2079, 2098, 2134.

§ 752. Second, third, and fourth Liberty loans; amount; bonds.

The Secretary of the Treasury, with the approval of the President, is authorized to borrow, from time to time, on the credit of the United States for the purposes of this Act to provide for the purchase, redemption, or refunding, at or before maturity, of any outstanding bonds, notes, certificates of indebtedness, or Treasury bills of the United States, and to meet expenditures authorized for the national security and defense and other public purposes authorized by law, such sum or sums as in his judgment may be necessary, and to issue therefor bonds of the United States.

The bonds authorized in this section shall be in such form or forms and denomination or denominations and subject to such terms and conditions of issue, conversion, redemption, maturities, payment, and rate or rates of interest, not exceeding 4¼ per centum per annum, and time or times of payment of interest, as the Secretary of the Treasury from time to time at or before the issue thereof may prescribe. The principal and interest thereof shall be payable in United States legal tender coin or currency of the present standard of value. Bonds authorized by this section may be issued from time to time to the public and to Government accounts at a rate or rates of interest exceeding 4¼ per centum per annum; except that bonds may not be issued under this section to the public, or sold by a Government account to the public, with a rate of interest exceeding 4¼ per centum per annum in an amount which would cause the face amount of bonds issued under this section then held by the public with rates of interest exceeding 4¼ per centum per annum to exceed $10,000,000,000.

* * * * *

(As amended Mar. 17, 1971, Pub. L. 92–5, title I, § 3, 85 Stat. 5; July 1, 1973, Pub. L. 93–53, § 2, 87 Stat. 135.)

AMENDMENTS

1973—Pub. L. 93–53 authorized issuance of bonds to the public and to Government accounts and substituted provision that bonds may not be issued under this section to the public, or sold by a Government account to the public, with a rate of interest exceeding 4¼ per centum per annum in an amount which would case the face amount of bonds issued under this section then held by the public with rates of interest exceeding 4¼ per centum per annum to exceed $10,000,000,000, for former prohibition against issuance of an aggregate face amount of bonds exceeding $10,000,000,000.

1971—Pub. L. 92–5 added provision that authorized bonds to be issued from time to time at a rate or rates of interest exceeding 4¼ per centum per annum, with the proviso that the aggregate face amount of the bonds so issued not exceed $10,000,000,000.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 440, 444, 445, 446, 752a, 754, 754b, 757, 758, 764, 766, 822b, 1351 of this title; title 7 sections 903, 934, 1032, 1929a; title 12 sections 635d, 1701q, 1721, 1723e; title 15 section 1848; title 16 section 838k; title 20 sections 1087–2, 2009; title 22 sections 282e, 283e, 284e, 286e, 286m, 2195; title 26 sections 405, 409, 454, 1037; title 29 section 1305; title 40 section 875; title 42 sections 2931, 296h, 300e–7, 300q–2, 1395i, 1395t, 1437b, 1440, 5308; title 45 sections 231n, 602, 720; title 46 section 1275; title 48 section 1407c.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in sections 1–1448, 2–1727 of the District of Columbia Code.

§ 754. Second and third Liberty loans; certificates of indebtedness and Treasury bills.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 757c–4 of this title.

§ 757b. Public debt limit; limitations on obligations issued under Second Liberty Loan.

The face amount of obligations issued under authority of this Act, and the face amount of obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), shall not exceed in the aggregate $400,000,000,000 outstanding at any one time. The current redemption value of any obligation issued on a discount basis which is redeemable prior to maturity at the option of the holder thereof shall be considered, for the purposes of this section, to be the face amount of such obligation. (As amended Mar. 17, 1971, Pub. L. 92–5, title I, § 1, 85 Stat. 5.)

REFERENCES IN TEXT

This Act, referred to in the text, is the Second Liberty Bond Act, act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended, and is classified to section 745, former section 747, sections 752, 752a, 753, 754, 754a, 754b, 757, 757b, and 757c, former section 757c–1, sections 757c–2, 757c–3, 757c–4, 757d, 757e, 758, 760, and 764, former section 765, and sections 766, 769, 771, 773, 774, and 801 of this title.

AMENDMENTS

1971—Pub. L. 92–5 increased the permanent debt limit from $380,000,000,000 to $400,000,000,000.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The public debt limit set forth in this section was temporarily increased for a limited period by the following Acts:

Nov. 14, 1975, Pub. L. 94–132, § 1, 89 Stat. 693—Increase of $195,000,000,000 for the period Nov. 14, 1975 to Mar. 15, 1976.

June 30, 1975, Pub. L. 94–47, § 1, 89 Stat. 246—Increase of $177,000,000,000 for the period June 30, 1975, to Nov. 15, 1975.

Feb. 19, 1975, Pub. L. 94–3, § 1, 89 Stat. 5—Increase of $131,000,000,000 for the period Feb. 19, 1975, to June 30, 1975.

June 30, 1974, Pub. L. 93–325, § 1, 88 Stat. 285—Increase of $95,000,000,000 for the period June 30, 1974, to Mar. 31, 1975.

Dec. 3, 1973, Pub. L. 93–173, § 1, 87 Stat. 691 — Increase of $75,700,000,000 for the period Dec. 3, 1973, to June 30, 1974.

Oct. 27, 1972, Pub. L. 92–599, Title I, § 101, 86 Stat. 1324, as amended July 1, 1973, Pub. L. 93–53, § 1, 87 Stat. 134—Increase of $65,000,000,000 for the period Nov. 1, 1972, to Nov. 30, 1973.

Mar. 17, 1972, Pub. L. 92–250, 86 Stat. 63, as amended July 1, 1972, Pub. L. 92–336, title I, § 1, 86 Stat. 406—Increase of $20,000,000,000 for the period Mar. 15, 1972 to Oct. 31, 1972.

Mar. 17, 1971, Pub. L. 92–5, title I, § 2(a), 85 Stat. 5, as amended July 1, 1972, Pub. L. 92–336, title I, § 1, 86 Stat. 406—Increase of $30,000,000,000 for the period of Mar. 17, 1971 to Oct. 31, 1972.

REPEAL

Pub. L. 94–47, § 1, June 30, 1975, 89 Stat. 246, providing for a temporary increase of $177,000,000,000 in the public debt limit for the period June 30, 1975 to Nov. 15, 1975, was repealed by Pub. L. 94–132, § 2, Nov. 14, 1975, 89 Stat. 693.

Pub. L. 94–3, § 1, Feb. 19, 1975, 89 Stat. 5, providing for a temporary increase of $131,000,000,000 in the public debt limit for the period Feb. 19, 1975, to June 30, 1975, was repealed by Pub. L. 94–47, § 2, June 30, 1975, 89 Stat. 246.

Pub. L. 93–325, § 1, June 30, 1974, 88 Stat. 285, providing for a temporary increase of $95,000,000,000 in the public debt limit for the period June 30, 1974, to Mar. 31, 1975, was repealed by Pub. L. 94–3, § 2, Feb. 19, 1975, 89 Stat. 5.

Pub. L. 93–173, § 1, Dec. 3, 1973, 87 Stat. 691, providing for a temporary increase of $75,700,000,000 in the public debt limit for the period of Dec. 3, 1973, to June 30, 1974, was repealed by Pub. L. 93–325, § 2, June 30, 1974, 88 Stat. 285, eff. June 30, 1974.

Pub. L. 92–599, title I, § 101, Oct. 27, 1972, 86 Stat. 1324, as amended Pub. L. 93–53, § 1, July 1, 1973, 87 Stat. 134, providing for a temporary increase of $65,000,000,000 in the public debt limit for the period of Nov. 1, 1972, to Nov. 30, 1973, was repealed by Pub. L. 93–173, § 2, Dec. 3, 1973, 87 Stat. 691, eff. Dec. 3, 1973.

Pub. L. 91–301, § 2, June 30, 1970, 84 Stat. 368, providing for a temporary increase of $15,000,000,000 in the public debt limit for the period of June 30, 1970 to June 30, 1971 was repealed by Pub. L. 92–5, title I, § 2(b), Mar. 17, 1971, 85 Stat. 5, eff. Mar. 17, 1971.

JOINT COMMITTEE TO REVIEW OPERATION OF BUDGET CEILING AND TO RECOMMEND PROCEDURE FOR IMPROVING CONGRESSIONAL CONTROL OVER BUDGETARY OUTLAY AND RECEIPT TOTALS

Pub. L. 92–599, title III, § 301, Oct. 27, 1972, 86 Stat. 1324, provided that:

"(a) **[Establishment; membership.]** There is hereby established a joint committee composed of thirty-two members appointed as follows:

"(1) seven members from the Committee on Ways and Means of the House of Representatives, appointed by the Speaker of the House;

"(2) seven members from the Committee on Appropriations of the House of Representatives, appointed by the Speaker of the House;

"(3) two additional Members of the House of Representatives, one from the majority party, and one from the minority party, appointed by the Speaker of the House;

"(4) seven members of the Committee on Finance of the Senate, appointed by the President pro tempore of the Senate;

"(5) seven members of the Committee on Appropriations of the Senate, appointed by the President pro tempore of the Senate; and

"(6) two additional Members of the Senate, one from the majority party, and one from the minority party, appointed by the Preisdent pro tempore of the Senate.

No person appointed by reason of his membership on any of the committees referred to in paragraphs (1), (2), (4), and (5) shall continue to serve as a member of the joint committee after he has ceased to be a member of that committee from which he was chosen, except that the members chosen from the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives who have been reelected to the House of Representatives may continue to serve as members of the joint committee notwithstanding the expiration of the Congress. A vacancy in the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original selection.

"(b) **[Functions; report by February 15, 1973.]** The joint committee created by subsection (a) shall make a full study and review of—

"(1) the procedures which should be adopted by the Congress for the purpose of improving congressional control of budgetary outlay and receipt totals, including procedures for establishing and maintaining an overall view of each year's budgetary outlays which is fully coordinated with an overall view of the anticipated revenues for that year, and

"(2) the operation of the limitation on expenditures and net lending imposed by section 201 of this Act for the fiscal year ending June 30, 1973 [which set a limit of $250,000,000 effective for one day, Oct. 27, 1972].

The joint committee shall report the results of such study and review to the Speaker of the House of Representatives and to the President pro tempore of the Senate, not later than February 15, 1973.

"(c) **[Chairman; staff.]** (1) The chairman of the joint committee shall be selected by the members of the joint committee.

"(2) The joint committee is authorized to appoint such staff, and to request such assistance from the existing staffs of the Congress, as may be necessary to carry out the purposes of this section.

"(d) **[Expenses.]** The expenses of the joint committee, which shall not exceed $100,000 through February 28, 1973, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee.

"(e) **[Termination.]** The joint committee shall cease to exist at the close of the first session of the Ninety-third Congress."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 753, 754, 757b–1, 757c, 757c–2, 757c–3 of this title; title 7 sections 903, 1032.

§ 757c. United States savings bonds and Treasury savings certificates.

* * * * *

(j) Tax refund check-bonds; series E bond status; requirement of timely refund claim; date of issue; redemption of issues to joint payees.

(1) The Secretary of the Treasury is authorized to prescribe by regulations that checks issued to individuals (other than trusts and estates) as refunds

made in respect of the taxes imposed by subtitle A of the Internal Revenue Code of 1954 may, at the time and in the manner provided in such regulations, become United States savings bonds of series E. Except as provided in paragraph (2), bonds issued under this subsection shall be treated for all purposes of law as series E bonds issued under this section. This subsection shall apply only if the claim for refund was filed on or before the last day prescribed by law for filing the return (determined without extensions thereof) for the taxable year in respect of which the refund is made.

(2) Any check-bond issued under this subsection shall bear an issue date of the first day of the first calendar month beginning after the close of the taxable year for which issued.

(3) In the case of any check-bond issued under this subsection to joint payees, the regulations prescribed under this subsection may provide that either payee may redeem the bond upon his request. (As amended July 1, 1973, Pub. L. 93–53, § 3(a), 87 Stat. 135.)

REFERENCES IN TEXT

Subtitle A of the Internal Revenue Code of 1954, referred to in subsec. (j)(1), contains the income taxes provisions, which are classified to section 1 et seq. of Title 26, Internal Revenue Code.

AMENDMENTS

1973—Subsec. (j). Pub. L. 93–53 added subsec. (j).

EFFECTIVE DATE OF 1973 AMENDMENT

Section 3(b) of Pub. L. 93–53 provided that: "The amendment made by subsection (a) [enacting subsec. (j) of this section] shall apply with respect to refunds made after December 31, 1973."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 754, 757c–2 of this title; title 7 sections 903, 1032.

§ 757c–4. Unmatured obligations not redeemable in payment of any United States tax in an amount above the fair market value of such obligation.

In the case of obligations issued after March 3, 1971, under this Act or under any other provision of law, the terms and conditions of issue shall not permit the redemption before maturity of such obligation in payment of any tax imposed by the United States in any amount above the fair market value of such obligation at the time of such redemption. This section shall not apply to any Treasury bill which is issued under the authority of section 754 of this title. (Sept. 24, 1917, ch. 56, § 27, as added Pub. L. 92–5, title I, § 4(b), Mar. 17, 1971, 85 Stat. 5.)

REFERENCES IN TEXT

This Act, referred to in the text, is the Second Liberty Bond Act, act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended, and is classified to section 745, former section 747, sections 752, 752a, 753, 754, 754a, 754b, 757, 757b, and 757c, former section 757c–1, sections 757c–2, 757c–3, 757c–4, 757d, 757e, 758, 760, and 764, former section 765, and sections 766, 769, 771, 773, 774, and 801 of this title.

§ 765. Repealed. Pub. L. 92–5, title I, § 4(a)(1), Mar. 17, 1971, 85 Stat. 5.

Section, act Sept. 24, 1917, ch. 56, § 14, as added Apr. 4, 1918, ch. 44, § 6, 40 Stat. 505, provided that bonds bearing interest at a higher rate than 4% per annum owned by the decedent for at least 6 months prior to his death and constituting a part of his estate were receivable in payment of estate or inheritance taxes.

EFFECTIVE DATE OF REPEAL

Section 4(a) of Pub. L. 92–5 provided in part that the repeal of this section by Pub. L. 92–5 shall be effective with respect to obligations issued after Mar. 3, 1971.

Chapter 13.—CREDIT AND CURRENCY EXPANSION

§ 822a. Stabilization of exchange value of dollar; annual report; stabilization fund; audit by General Accounting Office; payment of subscription to International Monetary Fund; repayment covered into Treasury.

FOREIGN INVESTMENT IN THE UNITED STATES

One year authorization to Secretary of the Treasury to make reasonable use of the resources of the Exchange Stabilization Fund to pay any expenses incurred by the Secretary of Commerce in the performance of functions respecting foreign investment in the United States, see section 3 of Ex. Ord. No. 11858, May 7, 1975, 40 F.R. 20263, set out as a note under section 2841 of Title 22, Foreign Relations and Intercourse.

Chapter 14.—FINANCIAL CONTROL OF GOVERNMENT CORPORATIONS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1351 of this title; title 7 section 943; title 12 section 1293; title 16 section 8381; title 22 section 290f; title 40 sections 474, 483; title 42 section 1437h; title 45 section 741.

§ 846. Definition of "wholly owned Government corporation".

As used in this chapter the term "wholly owned Government corporation" means the Commodity Credit Corporation; Regional Agricultural Credit Corporations; Farmers Home Corporation; Pennsylvania Avenue Development Corporation; Federal Crop Insurance Corporation; Federal Surplus Commodities Corporation; Reconstruction Finance Corporation; Defense Plant Corporation; Defense Supplies Corporation; Metals Reserve Company; Rubber Reserve Company; War Damage Corporation; Government National Mortgage Association; the RFC Mortgage Company; Disaster Loan Corporation; Inland Waterways Corporation; Warrior River Terminal Company; Virgin Islands Corporation; Federal Prison Industries, Incorporated; United States Spruce Production Corporation; Overseas Private Investment Corporation; Institute of Inter-American Affairs; Institute of Inter-American Transportation; Inter-American Educational Foundation, Incorporated; Inter-American Navigation Corporation; Prencinradio, Incorporated; Cargoes, Incorporated; Export-Import Bank of the United States; Petroleum Reserves Corporation; Rubber Development Corporation; U.S. Commercial Company; Smaller War Plants Corporation; Defense Homes Corporation; Federal Savings and Loan Insurance Corporation; Home Owners' Loan Corporation; United States Housing Corporation; Federal Housing Administration; Saint Lawrence Seaway Development Corporation; Panama Canal Company; Tennessee Valley Authority; and Tennessee Valley Associated Cooperatives, Incorporated; and Pension Benefit Guaranty Corporation. (As amended Oct. 27, 1972, Pub. L. 92–578, § 15, 86 Stat. 1274; Sept. 2, 1974, Pub. L. 93–406, title IV, § 4002(g)(3), 88 Stat. 1005.)

AMENDMENTS

1974—Pub. L. 93–406 inserted reference to the Pension Benefit Guaranty Corporation.

1972—Pub. L. 92–578 inserted "Pennsylvania Avenue Development Corporation;" following "Farmers Home Corporation;".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–406 effective Sept. 2, 1974, with exceptions specified in section 1381(b), (c) of Title 29, Labor, see section 1381(a) of Title 29.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1201, 1351 of this title; title 5 sections 4101, 8147; title 7 section 943; title 12 sections 1438, 1757, 2293; title 16 section 838i; title 41 section 403.

§ 847. Preparation of annual business-type budget; form, content, and manner of submission.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 849. Consideration of programs by Congress; enactment of necessary legislation; effect of section on certain existing authority of corporations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 sections 687j, 713a–10.

§ 850. Audit of financial transactions; rules and regulations; retention of certain powers of Tennessee Valley Authority; place of audit; access to books, records, etc.; effective date.

The financial transactions of wholly owned Government corporations shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States: *Provided*, That such rules and regulations may provide for the retention at the offices of such corporations, in whole or in part, of any accounts of accountable officers, covering corporate financial transactions, which are required by existing law to be settled and adjusted in the General Accounting Office, and for the settlement and adjustment of such accounts in whole or in part upon the basis of examinations in the course of the audit provided by this section, but nothing in this proviso shall be construed as affecting the powers reserved to the Tennessee Valley Authority in section 831h (b) of Title 16. The audit shall be conducted at the place or places where the accounts of the respective corporations are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the respective corporations and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. The audit shall begin with the first fiscal year commencing after the enactment of this chapter. The audit of the Federal Savings and Loan Insurance Corporation shall be conducted on a calendar year basis. Effective July 1, 1974, each wholly owned Government corporation shall be audited at least once in every three years. (As amended Jan. 2, 1975, Pub. L. 93–604, title VI, § 601(a), 88 Stat. 1962.)

AMENDMENTS

1975—Pub. L. 93–604 added provisions that effective July 1, 1974, each wholly owned Government corporation shall be audited at least once in every three years.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 851, 866 of this title; title 5 sections 4101, 8147; title 12 sections 1438, 1789; title 16 sections 831n–4; 838i; title 48 section 1407i.

§ 851. Audit report to Congress; scope and contents; specific itemization of operations without color of authority; copies to President, etc.

A report of each audit conducted under section 850 of this title shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last year covered by such audit. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep Congress informed of the operations and financial condition of the several corporations, together with such recommendations with respect thereto as the Comptroller General may deem advisable, including a report of any impairment of capital noted in the audit and recommendations for the return of such Government capital or the payment of such dividends as, in his judgment, should be accomplished. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President, to the Secretary of the Treasury, and to the corporation concerned at the time submitted to the Congress. (As amended Jan. 2, 1975, Pub. L. 93–604, title VI, § 601(b), 88 Stat. 1962.)

AMENDMENTS

1975—Pub. L. 93–604 substituted provision that a report of each audit conducted under section 850 of this title shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the previous year covered by such audit for provisions that a report of each such audit for a fiscal year shall be made by the Comptroller General to the Congress not later than January 15 following the close of such fiscal year and that a report of each such audit for a calendar year shall be so made not later than July 15 following the close of such calendar year.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 sections 4101, 8147; title 12 section 1438; title 16 sections 831n–4, 838i.

§ 852. Corporation deemed Government agency; approval by Congress; effect; entity unaffected.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See

Change of Name note set out under this section in the main volume.

§ 856. Definition of "mixed-ownership Government corporations".

As used in this chapter the term "mixed-ownership Government corporations" means (1) the Central Bank for Cooperatives and the Regional Banks for Cooperatives, (2) Federal Land Banks, (3) Federal Intermediate Credit Banks, (4) Federal Home Loan Banks, (5) Federal Deposit Insurance Corporation, (6) the National Railroad Passenger Corporation, (7) the Rural Telephone Bank, (8) the United States Railway Association, and (9) the Consolidated Rail Corporation to the extent provided in the Regional Rail Reorganization Act of 1973. (As amended May 7, 1971, Pub. L. 92–12, title I, § 4, 85 Stat. 37; Jan. 2, 1974, Pub. L. 93–236, title II, § 202(g)(1), title III, § 301(f), 87 Stat. 992, 1005.)

REFERENCES IN TEXT

The Regional Rail Reorganization Act of 1973, referred to in text, is classified to section 701 et seq. of Title 45, Railroads.

CODIFICATION

Designation for the item "Rural Telephone Bank" has been changed from "(6)" to "(7)" for purposes of codification.

AMENDMENTS

1974—Pub. L. 93–236 added clauses (8) and (9).

1971—Pub. L. 92–12 included the Rural Telephone Bank in the definition of mixed-ownership Government corporations.

EFFECTIVE DATE OF 1971 AMENDMENT

Section 4 of Pub. L. 92–12 provided in part that amendment of this section by Pub. L. 92–12 is effective when ownership, control, and operation of telephone bank is converted as provided in section 950(a) of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1351 of this title; title 5 sections 4101, 8147.

§ 857. Audit of financial transactions; rules and regulations; place of audit; access to books, records, etc.; effective date.

The financial transactions of mixed-ownership Government corporations for any period during which Government capital has been invested therein shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the respective corporations are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the respective corporations and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. The audit shall begin with the first fiscal year commencing after the enactment of this chapter. The audit of the Federal home loan banks shall be conducted on a calendar year basis. Effective July 1, 1974, each mixed ownership Government corporation shall be audited at least once in every three years. (As amended Jan. 2, 1975, Pub. L. 93–604, title VI, § 601(c), 88 Stat. 1962.)

AMENDMENTS

1975—Pub. L. 93–604 added provisions that effective July 1, 1974, each mixed-ownership Government corporation shall be audited at least once in every three years.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 858, 866 of this title; title 5 sections 4101, 8147; title 12 section 1431.

§ 858. Audit report to Congress; scope and contents; specific itemization of operations without color of authority; copies to President, etc.

A report of each audit conducted under section 857 of this title shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last year covered by such audit. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep Congress informed of the operations and financial condition of, and the use of Government capital by, each such corporation, together with such recommendations wtih respect thereto as the Comptroller General may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit and recommendations for the return of such Government capital or the payment of such dividends as, in his judgment, should be accomplished. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President, to the Secretary of the Treasury, and to the corporation concerned at the time submitted to the Congress. (As amended Jan. 2, 1975, Pub. L. 93–604, title VI, § 601(d), 88 Stat. 1963.)

AMENDMENTS

1975—Pub. L. 93–604 substituted provisions that a report of each audit conducted under section 850 of this title shall be made by the Comptroller-General to the Congress not later than six and one-half months following the close of the previous year covered by such audit for provisions that a report of each such audit for a fiscal year shall be made by the Comptroller General to the Congress not later than January 15 following the close of such fiscal year and that a report of each such audit for a calendar year shall be so made not later than July 15 following the close of such calendar year.

§ 868. Bonds, notes, and debentures, etc.

* * * * *

(d) Exemption of corporations under certain conditions; exemption of certain corporations.

Any mixed-ownership Government corporation from which Government capital has been entirely withdrawn shall not be subject to the provisions of section 867 of this title or of this section during the period such corporation remains without Government capital. The provisions of subsections (a) and (b) of this section shall not be applicable to the

Rural Telephone Bank, Federal Intermediate Credit Banks, the Central Bank for Cooperatives, the Regional Banks for Cooperatives, or the Federal Land Banks, except that each such corporation shall be required to consult with the Secretary of the Treasury prior to taking any action of the kind covered by the provisions of subsections (a) and (b) of this section, and in the event an agreement is not reached, the Secretary of the Treasury may make a report in writing to the corporation, to the President, and to the Congress stating the grounds for his disagreement. (As amended May 7, 1971, Pub. L. 92–12, title I, § 5, 85 Stat. 37.)

AMENDMENTS

1971—Subsec. (d). Pub. L. 92–12 made the provisions of subsecs. (a) and (b) of this section inapplicable to the Rural Telephone Bank.

EFFECTIVE DATE OF 1971 AMENDMENT

Section 5 of Pub. L. 92–12 provided in part that amendment of subsec. (d) of this section by Pub. L. 92–12 is effective when ownership, control, and operation of telephone bank is converted as provided in section 950(a) of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 8147; title 12 section 1431.

Chapter 18.—COMPROMISE AND COLLECTION OF FEDERAL CLAIMS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 42 section 5042.

Chapter 19.—PRESIDENTIAL ELECTION CAMPAIGN FUND

§§ 971 to 973. Repealed. Pub. L. 92–178, title VIII, § 802(b)(1), Dec. 10, 1971, 85 Stat. 573.

Sections, Pub. L. 89–809, title III, §§ 303–305, Nov. 13, 1966, 80 Stat. 1588–1590, related to Presidential Election Campaign Fund, providing in section 971 for operation of Presidential Election Campaign Fund ((a) establishment; (b) transfers to the Fund; (c) payments from the Fund, determination of amounts, limitations, and definitions; (d) transfer of remaining moneys to general fund); section 972 for Presidential Election Campaign Fund Advisory Board ((a) establishment, functions, and duties; (b) membership, appointment, term, and selection of chairman; (c) compensation of members; (d) Board membership not to constitute service as United States officer or employee); and section 973 for authorization of appropriations. Subject matter is now covered by Subtitle H, Financing of Presidential Election Campaigns, chapter 95 (sections 9001 to 9013) and chapter 96 (section 9021) of Title 26, Internal Revenue Code.

Chapter 20.—DEPARTMENT OF THE TREASURY

Sec.

1005a. Deputy Under Secretaries; appointment and duties [New].
1020a. Authorizations of appropriations; conversion of dates in references to fiscal years [New].
1034. Smuggling of controlled substances; investigations; oaths; subpenas; witnesses; evidence; production of records; territorial limits; fees and mileage of witnesses.
1035. Same; service of subpena; proof of service.
1036. Same; contempt proceedings.
1037. Authorization of appropriations [New].

§ 1001. Establishment of Department.

TRANSFER OF FUNCTIONS

All intelligence, investigative, and law enforcement functions, vested by law in the Secretary of the Treasury, the Department of the Treasury, and any other officer or agency of the Department, relating to the suppression of illicit traffic in narcotics, dangerous drugs, or marihuana were transferred to the Attorney General, with the exception that the Secretary retain and continue to perform such functions to the extent that they relate to searches and seizures of illicit narcotics, dangerous drugs, or marihuana or to the apprehension or detention of persons in connection therewith at regular inspection locations at ports of entry or anywhere along the land or water borders of the United States, by 1973 Reorg. Plan No. 2, § 1, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and Employees.

DESIGNATION OF OFFICERS TO ACT AS SECRETARY OF TREASURY

Designation of officers of Treasury Department to act as Secretary of Treasury, during any period when, by reason of absence, disability, or vacancy in office, either the Secretary of Treasury or his Deputy Secretary is not available to exercise the powers or perform the duties of the office of the Secretary, see Ex. Ord. No. 11822, Dec. 10, 1974, 39 F.R. 43275, set out as a note under section 3347 of Title 5, Government Organization and Employees.

REORGANIZATION PLAN NO. 26 OF 1950

Eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, as amended by act June 5, 1952, ch. 369, ch. XI, § 1101, 66 Stat. 121; May 18, 1972, Pub. L. 92–302, § 1(d), 86 Stat. 149.

DEPARTMENT OF THE TREASURY

* * * * * *

§ 3. [Repealed. Pub. L. 92–302, § 1(d), May 18, 1972, 86 Stat. 149. Section provided for an Administrative Assistant Secretary of the Treasury, his duties and compensation.]

* * * * * *

ABOLITION OF OFFICE OF ADMINISTRATIVE ASSISTANT SECRETARY; EFFECTIVE DATE

Abolition of the office of Administrative Assistant Secretary to take effect upon confirmation by the Senate of Presidential appointees to fill the successor positions created by Pub. L. 92–302, see section 3(b) of Pub. L. 92–302, set out as a note under section 1004 of this title.

§ 1002. General duties of Secretary of Treasury.

TRANSFER OF FUNCTIONS

All intelligence, investigative, and law enforcement functions, vested by law in the Secretary of the Treasury, the Department of the Treasury, and any other officer or agency of the Department, relating to the suppression of illicit traffic in narcotics, dangerous drugs, or marihuana were transferred to the Attorney General, with the exception that the Secretary retain and continue to perform such functions to the extent that they relate to searches and seizures of illicit narcotics, dangerous drugs, or marihuana or to the apprehension or detention of persons in connection therewith at regular inspection locations at ports of entry or anywhere along the land or water borders of the United States, by 1973 Reorg. Plan No. 2, § 1, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1004. Deputy Secretary, Under Secretary, and Under Secretary for Monetary Affairs; appointment and duties.

There shall be in the Department of the Treasury a Deputy Secretary, an Under Secretary, and an Under Secretary for Monetary Affairs, each to be appointed by the President, by and with the advice and consent of the Senate. They shall perform such duties in the Office of the Secretary as may be prescribed by the Secretary of the Treasury. The President may, in appointing the Under Secretary, designate him as "Counselor". (As amended May 18, 1972, Pub. L. 92–302, § 1(a), 86 Stat. 148.)

AMENDMENTS

1972—Pub. L. 92-302 provided for the appointment of a Deputy Secretary and for the designation of the Under Secretary as "Counselor".

EFFECTIVE DATE OF 1972 AMENDMENT

Section 3 of Pub. L. 92-302 provided that:

"(a) Except as otherwise provided in this section, this Act [enacting section 1005a of this title, amending this section and sections 1005 and 1006 of this title and sections 5313-5316 of Title 5, Government Organization and Employees, enacting provisions set out as notes under this section, and amending notes set out under section 1001 of this title and in the Appendix to Title 5] shall take effect on its date of enactment [May 18, 1972].

"(b) Any officer holding an office when this Act takes effect [May 18, 1972] shall not be required to be reappointed to such office by reason of the enactment of this Act. Subsection (d) of the first section of this Act [repealing section 3 of Reorganization Plan No. 26 of 1950, set out as a note under section 1001 of this title and in the Appendix to Title 5] and subsection (d) of section 2 of this Act [striking out pars. (28) and (64) of section 5316 of Title 5] shall take effect upon confirmation by the Senate of Presidential appointees to fill the successor positions created by this Act.

"(c) Until January 21, 1973, no person within the Treasury Department who has been occupying a position under the Executive Schedule and who is hereafter appointed to a position created or authorized by this Act shall receive an increase in basic pay by virtue of such appointement."

§ 1005. Deputy Secretary of the Treasury; performance of duties of the Secretary of the Treasury.

The Deputy Secretary of the Treasury, in case of the death, resignation, absence, or sickness of the Secretary of the Treasury, shall perform the duties of the Secretary until a successor is appointed or such absence or sickness shall cease. (As amended May 18, 1972, Pub. L. 92-302, § 1(a), 86 Stat. 149.)

AMENDMENTS

1972—Pub. L. 92-302 substituted "Deputy Secretary of the Treasury" for "Undersecretary of the Treasury".

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-302 effective May 18, 1972, see section 3 of Pub. L. 92-302, set out as a note under section 1004 of this title.

PAY INCREASE; EFFECTIVE DATE

Persons occupying a position under the Executive Schedule on May 18, 1972, and later appointed to a position created or authorized by Pub. L. 92-302, not eligible to an increase in basic pay until Jan. 21, 1973, see section 3(c) of Pub. L. 92-302, set out as a note under section 1004 of this title.

SAVINGS PROVISION

Officers holding office on May 18, 1972, not required to be reappointed to such office by reason of the enactment of Pub. L. 92-302, see section 3(b) of Pub. L. 92-302, set out as a note under section 1004 of this title.

DESIGNATION OF OFFICERS TO ACT AS SECRETARY OF TREASURY

Designation of officers of Treasury Department to act as Secretary of Treasury, during any period when, by reason of absence, disability, or vacancy in office, either the Secretary of Treasury or his Deputy Secretary is not available to exercise the powers or perform the duties of the office of the Secretary, see Ex. Ord. No. 11822, Dec. 10, 1974, 39 F.R. 43275, set out as a note under section 3347 of Title 5, Government Organization and Employees.

§ 1005a. Deputy Under Secretaries; appointment and duties.

There shall be in the Department of the Treasury two Deputy Under Secretaries who shall be appointed by the President, by and with the advice and consent of the Senate. They shall perform such duties in the Office of the Secretary as may be prescribed by the Secretary of the Treasury. The President may, in appointing any Deputy Under Secretary, designate him as "Assistant Secretary of the Treasury". Any person designated as Assistant Secretary of the Treasury under the preceding sentence shall not be taken into account in applying section 1006 of this title. (Pub. L. 92-302, § 1(b), May 18, 1972, 86 Stat. 149.)

EFFECTIVE DATE

Section effective May 18, 1972, see section 3 of Pub. L. 92-302, set out as a note under section 1004 of this title.

PAY INCREASE; EFFECTIVE DATE

Persons occupying a position under the Executive Schedule on May 18, 1972, and later appointed to a position created or authorized by Pub. L. 92-302, not eligible to an increase in basic pay until Jan. 21, 1973, see section 3(c) of Pub. L. 92-302, set out as a note under section 1004 of this title.

§ 1006. Assistant Secretaries of Treasury.

There shall be in the Department of the Treasury five Assistant Secretaries of the Treasury, who shall be appointed by the President, by and with the advice and consent of the Senate. (As amended May 18, 1972, Pub. L. 92-302, § 1(c), 86 Stat. 149.)

AMENDMENTS

1972—Pub. L. 92-302 increased the number of Assistant Secretaries of the Treasury from four to five.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-302 effective May 18, 1972, see section 3 of Pub. L. 92-302, set out as a note under section 1004 of this title.

PAY INCREASE; EFFECTIVE DATE

Persons occupying a position under the Executive Schedule on May 18, 1972, and later appointed to a position created or authorized by Pub. L. 92-302, not eligible to an increase in basic pay until Jan. 21, 1973, see section 3(c) of Pub. L. 92-302, set out as a note under section 1004 of this title.

SAVINGS PROVISION

Officers holding office on May 18, 1972, not required to be reappointed to such office by reason of the enactment of Pub. L. 92-302, see section 3(b) of Pub. L. 92-302, set out as a note under section 1004 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1005a of this title.

§§ 1012, 1013. Repealed. Pub. L. 92-310, title II, § 231(d), (e), June 6, 1972, 86 Stat. 209.

Section 1012, R.S. § 375, related to false reports of collectors with respect to bonds delivered for suit.

Section 1013, R.S. § 378, related to the report of the General Counsel for the Department of the Treasury to the officer from whom a bond was received.

§ 1014. Death, resignation or separation from office of Chief Disbursing Officer; accounts and payments; liability for acts of successor.

In case of the death or of the resignation or separation from office of the Chief Disbursing Officer or any regional disbursing officer of the Division of Disbursement, Treasury Department, the accounts of such Chief Disbursing Officer or regional disbursing officer may be continued and payments made in his name by an Assistant Chief Disbursing Officer designated by the Secretary of the Treasury or by an assistant regional disbursing officer designated by the Secretary of the Treasury or designated

by an official of the Treasury Department authorized by the Secretary of the Treasury to make such designation, for a period of time not to extend beyond the last day of the second month following the month in which such death, resignation, or separation shall occur. Such accounts and payments shall be allowed, audited, and settled in the General Accounting Office, and the checks signed in the name of the former Chief Disbursing Officer or regional disbursing officer shall be honored by the Treasurer of the United States, in the same manner as if the former Chief Disbursing Officer or regional disbursing officer had continued in office. The former Chief Disbursing Officer or regional disbursing officer, or his estate, shall not be subject to any legal liability or penalty for the official acts and defaults of the Assistant Chief Disbursing Officer or assistant regional disbursing officer acting in the name or in the place of the former Chief Disbursing Officer or regional disbursing officer under this section, but the Assistant Chief Disbursing Officer or the assistant regional disbursing officer shall be responsible therefor. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(dd), 86 Stat. 213.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which related to the liability of the surety on the official bond of the former Chief Disbursing Officer or regional disbursing officer, and which related to bonds, and renewal of bonds, of the Acting Chief Disbursing Officer and acting regional disbursing officer.

§ 1015. Deputy disbursing clerk.

The deputy disbursing clerk of the Treasury Department shall have authority to sign checks in the name of the disbursing clerk; and when so acting for the disbursing clerk shall be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the disbursing clerk for whom he acts. (As amended June 6, 1972, Pub. L. 92–310, title II, § 231(x), 86 Stat. 212.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which related to the bond of the deputy disbursing clerk, and which directed that the official bond of the disbursing clerk shall be made to cover and apply to the acts of the deputy disbursing clerk.

§ 1020. Commencement of fiscal year.

(a) The fiscal year of the Treasury of the United States, in all matters of accounts, receipts, expenditures, estimates, and appropriations—

(1) shall, through June 30, 1976, commence on July 1 of each year and end on June 30 of the following year; and

(2) shall, beginning on October 1, 1976, commence on October 1 of each year and end on September 30 of the following year.

(b) All accounts of receipts and expenditures required by law to be published annually shall be prepared and published for each fiscal year as established by subsection (a) of this section. (As amended July 12, 1974, Pub. L. 93–344, title V, § 501, 88 Stat. 321.)

AMENDMENTS

1974—Pub. L. 93–344 substituted October 1 of each year for July 1 of each year as the date of the commencement of the fiscal year of the Treasury of the United States starting with the fiscal year beginning on October 1, 1976, with each such fiscal year to end on September 30 of the following year.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–344 effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

TRANSITION TO NEW FISCAL YEAR

Section 502 of Pub. L. 93–344 provided that:

"(a) As soon as practicable, the President shall prepare and submit to the Congress—

"(1) after consultation with the Committees on Appropriations of the House of Representatives and the Senate, budget estimates for the United States Government for the period commencing July 1, 1976, and ending on September 30, 1976, in such form and detail as he may determine; and

"(2) proposed legislation he considers appropriate with respect to changes in law necessary to provide authorizations of appropriations for that period.

"(b) The Director of the Office of Management and Budget shall provide by regulation, order, or otherwise for the orderly transition by all departments, agencies, and instrumentalities of the United States Government and the government of the District of Columbia from the use of the fiscal year in effect on the date of enactment of this Act [July 12, 1974] to the use of the new fiscal year prescribed by section 237(a)(2) of the Revised Statutes [subsec. (a)(2) of this section]. The Director shall prepare and submit to the Congress such additional proposed legislation as he considers necessary to accomplish this subjective.

"(c) The Director of the Office of Management and Budget and the Director of the Congressional Budget Office jointly shall conduct a study of the feasibility and advisability of submitting the Budget or portions thereof, and enacting new budget authority or portions thereof, for a fiscal year during the regular session of the Congress which begins in the year preceding the year in which such fiscal year begins. The Director of the Office of Management and Budget and the Director of the Congressional Budget Office each shall submit a report of the results of the study conducted by them, together with his own conclusions and recommendations, to the Congress not later than 2 years after the effective date of this subsection [July 12, 1974]."

[Subsecs. (a) and (b) of section 502 of Pub. L. 93–344 to take effect on July 12, 1974, and subsec. (c) of section 502 of Pub. L. 93–344 to take effect on the day on which the first Director of the Congressional Budget Office is appointed under section 601(a) of Title 2, The Congress, see section 905 (a) and (b), set out as a note under section 1301 of this title.]

§ 1020a. Authorizations of appropriations; conversion of dates in references to fiscal years.

Any law providing for an authorization of appropriations commencing on July 1 of a year shall, if that year is any year after 1975, be considered as meaning October 1 of that year. Any law providing for an authorization of appropriations ending on June 30 of a year shall, if that year is any year after 1976, be considered as meaning September 30 of that year. Any law providing for an authorization of appropriations for the fiscal year 1977 or any fiscal year thereafter shall be construed as referring to that fiscal year ending on September 30 of the calendar year having the same calender year number as the fiscal year number. (Pub L. 93–344, title V, § 504, July 12, 1974, 88 Stat. 322.)

EFFECTIVE DATE

Section effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

§ 1034. Smuggling of controlled substances; investigations; oaths; subpenas; witnesses; evidence; production of records; territorial limits; fees and mileage of witnesses.

For the purpose of any investigation which, in the opinion of the Secretary of the Treasury, is necessary and proper to the enforcement of section 545 of Title 18 (relating to smuggling goods into the United States) with respect to any controlled substance (as defined in section 802 of Title 21), the Secretary of the Treasury may administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of records (including books, papers, documents and tangible things which constitute or contain evidence) relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place within the customs territory of the United States, except that a witness shall not be required to appear at any hearing distant more than 100 miles from the place where he was served with subpena. Witnesses summoned by the Secretary shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Oaths and affirmations may be made at any place subject to the jurisdiction of the United States. (Aug. 11, 1955, ch. 800, § 1, 69 Stat. 684, amended Oct. 27, 1970. Pub. L. 91–513, title III, § 1102(t), 84 Stat. 1294.)

CODIFICATION

This section was classified formerly to section 198a of Title 21, Food and Drugs.

AMENDMENTS

1970—Pub. L. 91–513 substituted "section 545 of Title 18 (relating to smuggling goods into the United States) with respect to any controlled substance (as defined in section 802 of Title 21)" for "the laws of the United States relating to narcotic drugs and marihuana" and substituted the customs territory of the United States for any State or any territory or other place subject to the jurisdiction of the United States is the defined area from within which the attendance of witnesses and the production of records may be required and struck out provisions making the discretion of the Secretary of the Treasury the determinative factor as to what is relevant or material to the investigation.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–513 effective on the first day of the seventh calendar month that begins after Oct. 26, 1970, see 1105(a) of Pub. L. 91–513, set out as a note under section 951 of Title 21, Food and Drugs.

SAVINGS PROVISION

Prosecutions for any violation of law occurring, and civil seizures or forfeitures and injunctive proceedings commenced, prior to the effective date of amendment of this section by section 1102 of Pub. L. 91–513 not to be affected or abated by reason thereof, see section 1103 of Pub. L. 91–513, set out as a note under former sections 171 to 174 of Title 21, Food and Drugs.

§ 1035. Same; service of subpena; proof of service.

A subpena of the Secretary of the Treasury may be served by any person designated in the subpena to serve it. Service upon a natural person may be made by personal delivery of the subpena to him. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpena to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpena entered on a true copy thereof by the person serving it shall be proof of service. (Aug. 11, 1955, ch. 800, § 2, 69 Stat. 685.)

CODIFICATION

This section was classified formerly to section 198b of Title 21, Food and Drugs.

§ 1036. Same; contempt proceedings.

In case of contumacy by, or refusal to obey a subpena issued to, any person, the Secretary of the Treasury may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpenaed person is an inhabitant, carries on business or may be found, to compel compliance with the subpena of the Secretary of the Treasury. The court may issue an order requiring the subpenaed person to appear before the Secretary of the Treasury there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in the judicial district whereof the subpenaed person is an inhabitant or wherever he may be found. (Aug. 11, 1955, ch. 800, § 3, 69 Stat. 685.)

CODIFICATION

This section was classified formerly to section 198c of Title 21, Food and Drugs.

§ 1037. Authorization of appropriations.

There is authorized to be appropriated to the Department of the Treasury for the purpose of carrying out all functions of the Office of Employee Plans and Exempt Organizations for each fiscal year beginning after June 30, 1974, an amount equal to the sum of—

(1) so much of the collections from the taxes imposed under section 4940 of Title 26 (relating to excise tax based on investment income) as would have been collected if the rate of tax under such section was 2 percent during the second preceding fiscal year, and

(2) the greater of—

(A) an amount equal to the amount described in paragraph (1), or

(B) $30,000,000.

(Pub. L. 93–406, title II, § 1052, Sept. 2, 1974, 88 Stat. 952.)

Chapter 21.—REPORTS OF CURRENCY AND FOREIGN TRANSACTIONS

SUBCHAPTER V.—FOREIGN CURRENCY REPORTS [NEW]

Sec.
1141. Congressional statement of findings.
1142. Regulations.
(a) General requirements.
(b) Foreign currency transactions of United States person and controlled foreign person.
1143. Enforcement.
(a) Penalty.
(b) Injunction; jurisdiction; relief granted; bond; penalty.

SUBCHAPTER III.—REPORTS OF EXPORTS AND IMPORTS OF MONETARY INSTRUMENTS

§ 1104. Remission of forfeiture or penalty.

SUBCHAPTER V.—FOREIGN CURRENCY REPORTS [New]

CODIFICATION

Subchapter V of this chapter was enacted as a part of Pub. L. 93–110 and not as a part of the Currency and Foreign Transactions Reporting Act which is classified to subchapters I to IV of this chapter.

§ 1141. Congressional statement of findings.

The Congress finds that—

(1) movements of mobile capital can have a significant impact on the proper functioning of the international monetary system;

(2) it is important to have as complete and current data as feasible on the nature and source of these capital flows, including transactions by large United States business enterprises and their foreign affiliates;

(3) it is desirable to emphasize this objective by supplementing existing legal authority for the collection of data on capital flows contained in section 95a(b) of Title 12 and section 286f of Title 22.

(Pub. L. 93–110, title II, § 201, Sept. 21, 1973, 87 Stat. 353.)

CODIFICATION

Section was not enacted as a part of Currency and Foreign Transactions Reporting Act which is classified to subchapters I to IV of this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1142 of this title.

§ 1142. Regulations.

(a) General requirements.

The Secretary of the Treasury (hereafter referred as the "Secretary") is authorized and directed, under the authority of this subchapter and any other authority conferred by law, to supplement regulations requiring the submission of reports on foreign currency transactions consistent with the statement of findings under section 1141 of this title. Regulations prescribed under this subchapter shall require that such reports contain such information and be submitted in such manner and at such times, with reasonable exceptions and classifications, as may be necessary to carry out the policy of this subchapter.

(b) Foreign currency transactions of United States person and controlled foreign person.

Reports required under this subchapter shall cover foreign currency transactions conducted by any United States person and by any foreign person controlled by a United States person as such terms are defined in section 78g(f)(2)(A) and 78g(f)(2)(C) of Title 15. (Pub. L. 93–110, title II, § 202, Sept. 21, 1973, 87 Stat. 353.)

CODIFICATION

Section was not enacted as a part of Currency and Foreign Transactions Reporting Act which is classified to subchapters I to IV of this chapter.

§ 1143. Enforcement.

(a) Penalty.

Whoever fails to submit a report required under any rule or regulation issued under this subchapter may be assessed a civil penalty not exceeding $10,000 in a proceeding brought under subsection (b) of this section.

(b) Injunction; jurisdiction; relief granted; bond; penalty.

Whenever it apepars to the Secretary that any person has failed to submit a report required under any rule or regulation issued under this subchapter or has violated any rule or regulation issued hereunder, the Secretary may in his discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, seeking a mandatory injunction commanding such person to comply with such rule or regulation, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond, and additionally the sanction provided for failure to submit a report under subsection (a) of this section. (Pub. L. 93–110, title II, § 203, Sept. 21, 1973, 87 Stat. 353.)

CODIFICATION

Section was not enacted as a part of Currency and Foreign Transactions Reporting Act which is classified to subchapters I to IV of this chapter.

Chapter 22.—FISCAL AND BUDGETARY INFORMATION AND CONTROLS

SUBCHAPTER I—FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA AND INFORMATION

Sec.
1151. Development, establishment, and maintenance of standardized data processing and information systems.
1152. Standardization of terminology, definitions, classifications, and codes.
(a) Development, establishment, maintenance, and publication of standard terms, definitions, classifications, and codes; report to Congress; legislation recommendations.
(b) Consideration given to needs of Congressional budget bodies.
(c) Continuing program to identify and specify Congressional needs for fiscal, budgetary, and program-related information.
(d) Assistance to Congress in developing information needs; monitoring of Congressional reporting requirements; recommendations for changes and improvements to meet Congressional reporting requirements.
(e) Annual report to Congress by Comptroller General.
(f) Annual report to Congress by Director of the Office of Management and Budget and Secretary of the Treasury.
1153. Availability to and use by Congress and State and local governments of Federal fiscal, budgetary, and program-related data and information.
1154. Review and evaluation.
(a) Results of Government programs and activities reviewed and evaluated by Comptroller General.
(b) Assistance to committees or joint committees.
(c) Development and recommendations of review and evaluation methods.
(d) Office of Program Review and Evaluation within General Accounting Office; establishment; employment of experts.
(e) Inclusion in annual report of Comptroller General's review and evaluation activities.

SUBCHAPTER I.—FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA AND INFORMATION

§ 1151. Development, establishment, and maintenance of standardized data processing and information systems.

The Secretary of the Treasury and the Director of the Office of Management and Budget, in cooperation with the Comptroller General of the United States, shall develop, establish, and maintain, for use by all Federal agencies, standardized data processing and information systems for fiscal, budgetary, and program-related data and information. The development, establishment, and maintenance of such systems shall be carried out so as to meet the needs of the various branches of the Federal Government and, insofar as practicable, of governments at the State and local level. (As amended Pub. L. 93–344, title VIII, § 801(a), July 12, 1974, 88 Stat. 327.)

AMENDMENTS

1974—Pub. L. 93–344 substituted "and maintain, for use by all Federal agencies, standardized data processing and information systems for, fiscal, budgetary, and program-related data and information" for "and maintain, insofar as practicable, for use by all Federal agencies, a standardized information and data processing system for budgetary and fiscal data" and added requirement that the development, establishment, and maintenance of the systems be carried out so as to meet the needs of the various branches of the Federal Government and, insofar as practicable, of governments at the State and local level.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–344 effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1152 of this title.

§ 1152. Standardization of terminology, definitions, classifications, and codes.

(a) Development, establishment, maintenance, and publication of standard terms, definitions, classifications, and codes; report to Congress; legislation recommendations.

(1) The Comptroller General of the United States, in cooperation with the Secretary of the Treasury, the Director of the Office of Management and Budget, and the Director of the Congressional Budget Office, shall develop, establish, maintain, and publish standard terminology, definitions, classifications, and codes for Federal fiscal, budgetary, and program-related data and information. The authority contained in this section shall include, but not be limited to, data and information pertaining to Federal fiscal policy, revenues, receipts, expenditures, functions, programs, projects, and activities. Such standard terms, definitions, classifications, and codes shall be used by all Federal agencies in supplying to the Congress fiscal, budgetary, and program-related data and information.

(2) The Comptroller General shall submit to the Congress, on or before June 30, 1975, a report containing the initial standard terminology, definitions, classifications, and codes referred to in paragraph (1), and shall recommend any legislation necessary to implement them. After June 30, 1975, the Comptroller General shall submit to the Congress additional reports as he may think advisable, including any recommendations for any legislation he may deem necessary to further the development, establishment, and maintenance, modification, and executive implementation of such standard terminology, definitions, classifications, and codes.

(b) Consideration given to needs of Congressional budget bodies.

In carrying out this responsibility, the Comptroller General of the United States shall give particular consideration to the needs of the Committees on the Budget of the House and Senate, the Committees on Appropriations of the House and Senate, the Committee on Ways and Means of the House, the Committee on Finance of the Senate, and the Congressional Budget Office.

(c) Continuing program to identify and specify Congressional needs for fiscal, budgetary, and program-related information.

The Comptroller General of the United States shall conduct a continuing program to identify and specify the needs of the committees and Members of the Congress for fiscal, budgetary, and program-related information to support the objectives of this subchapter.

(d) Assistance to Congress in developing information needs; monitoring of Congressional reporting requirements; recommendations for changes and improvements to meet Congressional reporting requirements.

The Comptroller General shall assist committees in developing their information needs, including such needs expressed in legislative requirements, and shall monitor the various recurring reporting requirements of the Congress and committees and make recommendations to the Congress and committees for changes and improvements in their reporting requirements to meet congressional information needs ascertained by the Comptroller General, to enhance their usefulness to the congressional users and to eliminate duplicative or unneeded reporting.

(e) Annual report to Congress by Comptroller General.

On or before September 1, 1974, and each year thereafter, the Comptroller General shall report to the Congress on needs identified and specified under subsection (c) of this section; the relationship of these needs to the existing reporting requirements; the extent to which the executive branch reporting presently meets the identified needs; the specification of changes to standard classifications needed to meet congressional needs; the activities, progress and results of his activities under subsection (d) of this section; and the progress that the executive branch has made during the past year.

(f) Annual report to Congress by Director of the Office of Management and Budget and Secretary of the Treasury.

On or before March 1, 1975, and each year thereafter, the Director of the Office of Management and Budget and the Secretary of the Treasury shall report to the Congress on their plans for addressing the needs identified and specified under subsection (c) of this section, including plans for implementing changes to classifications and codes to meet the information needs of the Congress as well as the status of prior year system and classification im-

plementations. (As amended Pub. L. 93–344, title VIII, § 801(a), July 12, 1974, 88 Stat. 327.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–344 substituted provisions directing the Comptroller General to develop, establish, maintain, and publish standard terminology, definitions, classifications, and codes for Federal fiscal, budgetary, and program-related data and information and to submit to Congress by June 30, 1975, the initial recommended standard terminology, definitions, classifications, and codes with further reports and recommendations as he deems advisable, for provisions directing the Secretary of the Treasury and the Director of the Office of Management and Budget to develop, establish, and maintain standard classifications of programs, activities, receipts, and expenditures of Federal agencies with the initial classifications to be established on or before Dec. 31, 1971.

Subsec. (b). Pub. L. 93–344 substituted provisions directing the Comptroller General to give particular consideration to the needs of Congressional budget bodies in developing the standardized terminology, definitions, classifications, and codes for provisions directing the Secretary of the Treasury and the Director of the Office of Management and Budget to submit annual reports to Congress.

Subsecs. (c)–(f). Pub. L. 93–344 added subsecs. (c) to (f).

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–344 effective July 12, 1974, see section 905 of Pub. L. 93–344, as set out as a note under section 1301 of this title.

§ 1153. Availability to and use by Congress and State and local governments of Federal fiscal, budgetary, and program-related data and information.

(a) Upon request of any committee of either House, of any joint committee of the two Houses, of the Comptroller General, or of the Director of the Congressional Budget Office, the Secretary of the Treasury, the Director of the Office of Management and Budget, and the heads of the various executive agencies shall—

(1) furnish to such committee or joint committee, the Comptroller General, or the Director of the Congressional Budget Office information as to the location and nature of available fiscal, budgetary, and program-related data and information;

(2) to the extent practicable, prepare summary tables of such data and information and any related information deemed necessary by such committee or joint committee, the Comptroller General, or the Director of the Congressional Budget Office; and

(3) furnish to such committee or joint committee, the Comptroller General, or the Director of the Congressional Budget Office any program evaluations conducted or commissioned by any executive agency.

(b) The Comptroller General, in cooperation with the Director of the Congressional Budget Office, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall—

(1) develop, establish, and maintain an up-to-date inventory and directory of sources and information systems containing fiscal, budgetary, and program-related data and information and a brief description of their content;

(2) provide, upon request, assistance to committees, joint committees, and Members of Congress in securing Federal fiscal, budgetary, and program-related data and information from the sources identified in such inventory and directory; and

(3) furnish, upon request, assistance to committees and joint committees of Congress and, to the extent practicable, to Members of Congress in appraising and analyzing fiscal, budgetary, and program-related data and information secured from the sources identified in such inventory and directory.

(c) The Comptroller General and the Director of the Congressional Budget Office shall, to the extent they deem necessary, develop, establish, and maintain a central file or files of the data and information required to carry out the purposes of this chapter. Such a file or files shall be established to meet recurring requirements of the Congress for fiscal, budgetary, and program-related data and information and shall include, but not be limited to, data and information pertaining to budget, requests, congressional authorizations to obligate and spend, apportionment and reserve actions, and obligations and expenditures. Such file or files and their indexes shall be maintained in such a manner as to facilitate their use by committees of both Houses, joint committees, and other congressional agencies through modern data processing and communications techniques.

(d) The Director of the Office of Management and Budget, in cooperation with the Director of the Congressional Budget Office, the Comptroller General, and appropriate representatives of State and local governments, shall provide, to the extent practicable, State and local governments such fiscal, budgetary, and program-related data and information as may be necessary for the accurate and timely determination by these governments of the impact of Federal assistance upon their budgets. (As amended Pub. L. 93–344, title VIII, § 801(a), July 12, 1974, 88 Stat. 328.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–344 designated existing provisions as subsec. (a) and in subsec. (a) as so designated substituted provisions directing the Secretary of the Treasury, the Director of the Office of Management and Budget, and the heads of the various executive agencies to furnish information, prepare summary tables, and supply program evaluations for provisions directing the Secretary of the Treasury and the Director of the Office of Management and Budget to furnish information and prepare summary tables of data.

Subsecs. (b)–(d). Pub. L. 93–344 added subsecs. (b) to (d).

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–344 effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

§ 1154. Review and evaluation.

(a) Results of Government programs and activities reviewed and evaluated by Comptroller General.

The Comptroller General shall review and evaluate the results of Government programs and activities carried on under existing law when ordered by either House of Congress, or upon his own initiative, or when requested by any committee of the House of Representatives or the Senate, or any joint committee of the two Houses, having jurisdiction over such programs and activities.

(b) Assistance to committees or joint committees.

The Comptroller General, upon request of any committee of either House or any joint committee of the two Houses, shall—

(1) assist such committee or joint committee in developing a statement of legislative objectives and goals and methods for assessing and reporting actual program performance in relation to such legislative objectives and goals. Such statements shall include, but are not limited to, recommendations as to methods of assessment, information to be reported, responsibility for reporting, frequency of reports, and feasibility of pilot testing; and

(2) assist such committee or joint committee in analyzing and assessing program reviews or evaluation studies prepared by and for any Federal agency.

Upon request of any Member of either House, the Comptroller General shall furnish to such Member a copy of any statement or other material compiled in carrying out paragraphs (1) and (2) which has been released by the committee or joint committee for which it was compiled.

(c) Development and recommendation of review and evaluation methods.

The Comptroller General shall develop and recommend to the Congress methods for review and evaluation of Government programs and activities carried on under existing law.

(d) Office of Program Review and Evaluation within General Accounting Office; establishment; employment of experts.

In carrying out his responsibilities under this section, the Comptroller General is authorized to establish an Office of Program Review and Evaluation within the General Accounting Office. The Comptroller General is authorized to employ not to exceed ten experts on a permanent, temporary, or intermittent basis and to obtain service as authorized by section 3109 of Title 5, but in either case at a rate (or the daily equivalent) for individuals not to exceed that prescribed, from time to time, for level V of the Executive Schedule under section 5316 of Title 5.

(e) Inclusion in annual report of Comptroller General's review and evaluation activities.

The Comptroller General shall include in his annual report to the Congress a review of his activities under this section, including his recommendations of methods for review and evaluation of Government programs and activities under subsection (c) of this section. (As amended Pub. L. 93–344, title VII, § 702(a), July 12, 1974, 88 Stat. 326.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–344 struck out reference to cost benefit studies.

Subsec. (b). Pub. L. 93–344 substituted provisions generally covering assistance by the Comptroller General to committees or joint committees of either House for provisions specifically directing the Comptroller General to keep available in the General Accounting Office employees who are expert in analyzing and conducting cost benefit studies of Government programs and to use such employees in making cost benefit studies.

Subsecs. (c)–(e). Pub. L. 93–344 added subsecs. (c) to (e).

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–344 effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

§ 1175. Assignments of employees of General Accounting Office to duty with committees of Congress.

* * * * * *

(c) Salary reimbursement.

A committee of the Senate, or a joint committee whose expenses are disbursed by the Secretary of the Senate, shall reimburse the General Accounting Office for the salary of each employee of that office for any period during which that employee is assigned or detailed to such committee or joint committee. (As amended Pub. L. 92–136, § 8, Oct. 11, 1971, 85 Stat. 378.)

AMENDMENTS

1971—Subsec. (c). Pub. L. 92–136 added subsec. (c).

EFFECTIVE DATE OF 1971 AMENDMENT

Section 9(c) of Pub. L. 92–136 provided that: "Section 8 of this Act [amending this section] shall become effective on March 1, 1972."

Chapter 23.—FEDERAL PERSONNEL SURETY BONDS [NEW]

Sec.
1201. Elimination of surety bonds for civilian employees or military personnel; personal financial liability unaffected; definition.
1202. Restorations and adjustments of accounts of accountable officers and agents for losses to United States; regulations.
1203. Report to the Congress by Secretary of Treasury; information from agencies of executive branch.
1204. Existing surety bonds and liabilities.

§ 1201. Elimination of surety bonds for civilian employees or military personnel; personal financial liability unaffected; definition.

(a) No agency of the Federal Government may require or obtain surety bonds for its civilian employees or military personnel in connection with the performance of their official duties.

(b) The personal financial liability to the Federal Government of such employees and personnel shall not be affected by reason of subsection (a) of this section.

(c) For the purposes of this chapter, the term "agency of the Federal Government" means any agency, department, or other entity of the legislative, executive, or judicial branch of the Government of the United States, and includes each entity listed as a "wholly owned Government corporation" in section 846 of this title. (Pub. L. 92–310, title I, § 101, June 6, 1972, 86 Stat. 201.)

GENERAL REPEAL OF LAWS PROVIDING FOR BONDS FOR FEDERAL PERSONNEL

Section 250 of Pub. L. 92–310 provided that: "All laws or parts of laws not amended or repealed by part 1, 2, or 3 of this title and providing for surety or fidelity bonds for civilian employees and military personnel of the Federal Government for the faithful performance of their duties are repealed."

Part 1, 2, or 3 of this title, referred to in section 250 of Pub. L. 92–310, amended sections 82c, 821, 95b, 103a, 103b, 144, 281, 480, 492–1, 494, 506, 510, 511, 512, 513, 516, 521, 528, 534, 535, 546, 550, 1014 and 1015 of this title, sections 64a, 75a, 123b, 136, 142a and 142b of Title 2, section 109 of Title 3, section 5512 of Title 5, section 6 of Title 6, section 1507 of Title 7, section 78 of Title 11, sections 3, 4 and 1723a of Title 12, sections 634 and 714h

of Title 15, sections 831b and 831c of Title 16, sections 813, 1199 and 2199 of Title 22, sections 43, 165 and 166 of Title 24, sections 7, 53 and 66 of Title 25, sections 6803, 7101, 7103, 7402 and 7803 of Title 26, sections 566, 671, 674 and 954 of Title 28, section 708 of Title 32, section 984 of Title 33, section 4204 of Title 38, sections 301 and 308 of Title 44, section 16 of Title 47, section 1407c of Title 48, and section 6 of Title 50, Appendix, and repealed sections 110, 142, 270, 475, 481, 509, 533, 1012 and 1013 of this title, sections 65, 75 and 82 of Title 2, sections 1, 2, 3, 4, 5 and 14 of Title 6, section 2216 of Title 7, sections 4834 and 6026 of Title 10, section 204 of Title 17, sections 31 and 32 of Title 19, section 808 of Title 22, sections 51, 52 and 52a of Title 25, sections 564 and 952 of Title 28, and section 5 of Title 35.

§ 1202. Restorations and adjustments of accounts of accountable officers and agents for losses to United States; regulations.

(a) Whenever—

(1) it is necessary to restore or otherwise adjust the account of any accountable officer or his agent for any loss to the United States due to the fault or negligence of such officer or agent, and

(2) the head of the agency of the Federal Government concerned determines that the amount of the loss is uncollectable,

such amount shall be charged to the appropriation or fund available for the expenses of the accountable function at the time the restoration or adjustment is made. Such restoration or adjustment shall not affect the personal financial liability of such officer or agent on account of such loss.

(b) The restorations and adjustments provided for by subsection (a) of this section shall be made in accordance with regulations which the Comptroller General of the United States shall prescribe and issue. (Pub. L. 92–310, title I, § 102, June 6, 1972, 86 Stat. 201.)

§ 1203. Report to the Congress by Secretary of Treasury; information from agencies of executive branch.

(a) For each of the first five full fiscal years following June 6, 1972, the Secretary of the Treasury shall transmit to the Congress, on or before the 31st day of December first following the close of such fiscal year, a report of the experience of agencies of the executive branch under this Act in such form as may be necessary to enable the Congress to determine the results of operations under this Act.

(b) Each agency of the executive branch shall furnish to the Secretary of the Treasury such information as the Secretary may require to carry out the purposes of subsection (a) of this section. (Pub. L. 92–310, title I, § 103, June 6, 1972, 86 Stat. 201.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), means Pub. L. 92–310, which enacted this chapter and section 497a of this title, amended sections 82c, 821, 95b, 103a, 103b, 144, 281, 480, 492–1, 494, 506, 510, 511, 512, 513, 516, 521, 528, 534, 535, 546, 550, 1014 and 1015 of this title, sections 64a, 75a, 123b, 136, 142a and 142b of Title 2, section 109 of Title 3, section 5512 of Title 5, section 6 of Title 6, section 1507 of Title 7, section 78 of Title 11, sections 3, 4 and 1723a of Title 12, sections 634 and 714h of Title 15, sections 831b and 831c of Title 16, sections 813, 1199 and 2199 of Title 22, sections 43, 165 and 166 of Title 24, sections 7, 53 and 66 of Title 25, sections 6803, 7101, 7103, 7402 and 7803 of Title 26, sections 566, 671, 674 and 954 of Title 28, section 708 of Title 32, section 984 of Title 33, section 4204 of Title 38, sections 301 and 308 of Title 44, section 16 of Title 47, section 1407c of Title 48, and section 6 of Title 50, Appendix, and repealed sections 110, 142, 270, 475, 481, 509, 533, 1012 and 1013 of this title, sections 65, 75 and 82 of Title 2, sections 1, 2, 3, 4, 5 and 14 of Title 6, section 2216 of Title 7, sections 4834 and 6026 of Title 10, section 204 of Title 17, sections 31 and 32 of Title 19, section 808 of Title 22, sections 51, 52 and 52a of Title 25, sections 564 and 952 of Title 28, and section 5 of Title 35, and enacted provisions set out as notes under this section and section 78 of Title 11, and amended section 121 of Title 2 of the Canal Zone Code.

§ 1204. Existing surety bonds and liabilities.

Each surety bond procured before June 6, 1972, for any of the civilian employees or military personnel of the Federal Government and in effect on such date shall remain in full force and effect for all periods provided in the bond subject to the cancellation and other provisions therein. Any change made by this Act in existing law shall not affect—

(1) any liability of a surety to the Federal Government arising under the provisions of any such bond;

(2) any responsibility of a surety upon any such bond of a consular officer under former section 1199 of Title 22; or

(3) the jurisdiction of the United States district courts, concurrently with the courts of the several States, over any action brought on any such bond of an internal revenue officer or employee.

(Pub. L. 92–310, title I, § 104, June 6, 1972, 86 Stat. 202.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 92–310. For classification of this Act in the Code, see note under section 1203 of this title.

Chapter 24.—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS [NEW]

SUBCHAPTER I—ALLOCATION AND PAYMENT OF FUNDS

Sec.
1221. Payments to State and local governments.
1222. Use of funds by local governments for priority expenditures.
(a) In general.
(b) Certificates by local governments.
1223. Prohibition on use as matching funds by State or local governments.
(a) In general.
(b) Determinations by Secretary of the Treasury.
(c) Increased State or local government revenues.
(d) Deposit and transfers to general fund.
(e) Certificates by State and local governments.
1224. Creation of Trust Fund; appropriations.
(a) Trust Fund.
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(2) Trustee.
(b) Appropriations.
(1) In general.
(2) Noncontiguous States adjustment amounts.
(3) Deposits.
(c) Transfers from Trust Fund to general fund.

Sec.
1225. Allocation among states.
(a) In general.
(b) Determination of allocable amount.
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(2) Three factor formula.
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1226. Entitlements of State governments.
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(b) State must maintain transfers to local governments.
(1) General rule.
(2) Adjustment where State assumes responsibility for category of expenditures.
(3) Adjustment where new taxing powers are conferred upon local governments.
(4) Special rule for period beginning July 1, 1973.
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(6) Reduction in entitlement.
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1227. Entitlements of local governments.
(a) Allocation among county areas.
(b) Allocation to county governments, municipalities, townships, etc.
(1) County governments.
(2) Other units of local government.
(3) Township governments.
(4) Indian tribes and Alaskan native villages.
(5) Rule for small units of government.
(6) Entitlement.
(A) In general.
(B) Maximum and minimum per capita entitlement.
(C) Limitation.
(D) Entitlement less than $200, or governing body waives entitlement.
(7) Adjustment of entitlement.
(A) In general.
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(C) Adjustment for application of limitation.
(c) Special allocation rules.
(1) Optional formula.
(2) Certification.
(d) Governmental definitions and related rules.
(1) Units of local government.
(2) Certain areas treated as counties.
(3) Townships.
(4) Units of local government located in larger entity.
(5) Only part of unit located in larger entity.
(6) Boundary changes, governmental reorganization, etc.
1228. Definitions and special rules for application of allocation formulas.
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(1) Population.
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(5) Dates for determining allocations and entitlements.
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(A) General rule.
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Sec.
1228. Definitions and special rules for application of allocation formulas—Continued
(b) Income tax amount of States.
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(2) Income tax amount.
(3) Ceiling and floor.
(4) State individual income tax.
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(A) General tax effort factor.
(B) General tax effort amount.
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(A) Taxes taken into account.
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(d) General tax effort factor of county area.
(e) General tax effort factor of unit of local government.
(1) In general.
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(a) Reports on use of funds.
(b) Reports on planned use of funds.
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(b) Entitlement period.
(c) District of Columbia.
(1) Treatment as State and local government.
(2) Reduction in case of income tax on non-resident individuals.
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(b) Record.
(c) Jurisdiction of court.
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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1351 of this title; title 42 section 6101.

SUBCHAPTER I—ALLOCATION AND PAYMENT OF FUNDS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1241, 1242, 1243, 1261 of this title.

§ 1221. Payments to State and local governments.

Except as otherwise provided in this chapter, the Secretary shall, for each entitlement period, pay out of the Trust Fund to—

(1) each State government a total amount equal to the entitlement of such State government determined under section 1226 of this title for such period, and

(2) each unit of local government a total amount equal to the entitlement of such unit determined under section 1227 of this title for such period.

In the case of entitlement periods ending after October 20, 1972, such payments shall be made in installments, but not less often than once for each quarter, and, in the case of quarters ending after September 30, 1972, shall be paid not later than 5 days after the close of each quarter. Such payments for any entitlement period may be initially made on the basis of estimates. Proper adjustment shall be made in the amount of any payment to a State government or a unit of local government to the extent that the payments previously made to such government under this subchapter were in excess of or less than the amounts required to be paid. (Pub. L. 92–512, title I, § 102, Oct. 20, 1972, 86 Stat. 919.)

REFERENCES IN TEXT

"This chapter", referred to in the text, read in the original "this title" meaning title I of Pub. L. 92–512, which is classified to this chapter and sections 6017A and 6687 of Title 26, Internal Revenue Code.

SHORT TITLE

Section 101 of Pub. L. 92–512 provided that: "This title [which enacted this chapter and sections 6017A and 6687 of Title 26] may be cited as the 'State and Local Fiscal Assistance Act of 1972'."

§ 1222. Use of funds by local governments for priority expenditures.

(a) In general.

Funds received by units of local government under this subchapter may be used only for priority expenditures. For purposes of this chapter, the term "priority expenditures" means only—

(1) ordinary and necessary maintenance and operating expenses for—

(A) public safety (including law enforcement, fire protection, and building code enforcement),

(B) environmental protection (including sewage disposal, sanitation, and pollution abatement),

(C) public transportation (including transit systems and streets and roads),

(D) health,

(E) recreation,

(F) libraries,

(G) social services for the poor or aged, and

(H) financial administration; and

(2) ordinary and necessary capital expenditures authorized by law.

(b) Certificates by local governments.

The Secretary is authorized to accept a certification by the chief executive officer of a unit of local government that the unit of local government has used the funds received by it under this subchapter for an entitlement period only for priority expenditures, unless he determines that such certification is not sufficiently reliable to enable him to carry out his duties under this chapter. (Pub. L. 92–512, title I, § 103, Oct. 20, 1972, 86 Stat. 919.)

REFERENCES IN TEXT

"This chapter", referred to in subsecs. (a) and (b), read in the original "this title" meaning title I of Pub. L. 92–512, which is classified to this chapter and sections 6017A and 6687 of Title 26, Internal Revenue Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1243 of this title.

§ 1223. Prohibition on use as matching funds by State or local governments.

(a) In general.

No State government or unit of local government may use, directly or indirectly, any part of the funds it receives under this subchapter as a contribution for the purpose of obtaining Federal funds under any law of the United States which requires such government to make a contribution in order to receive Federal funds.

(b) Determinations by Secretary of the Treasury.

If the Secretary has reason to believe that a State government or unit of local government has used funds received under this subchapter in violation of subsection (a) of this section, he shall give reasonable notice and opportunity for hearing to such government. If, thereafter, the Secretary of the Treasury determines that such government has used funds in violation of subsection (a) of this section, he shall notify such government of his determination and shall request repayment to the United States of an amount equal to the funds so used. To the extent that such government fails to repay such amount, the Secretary shall withhold from subsequent payments to such government under this subchapter an amount equal to the funds so used.

(c) Increased State or local government revenues.

No State government or unit of local government shall be determined to have used funds in violation of subsection (a) of this section with respect to any funds received for any entitlement period to the extent that the net revenues received by it from its own sources during such period exceed the net revenues received by it from its own sources during the one-year period beginning July 1, 1971 (or one-half of such net revenues, in the case of an entitlement period of 6 months).

(d) Deposits and transfers to general fund.

Any amount repaid by a State government or unit of local government under subsection (b) of this section shall be deposited in the general fund of the Treasury. An amount equal to the reduction in payments to any State government or unit of local government which results from the application of this section (after any judicial review under section 1263 of this title) shall be transferred from the Trust Fund to the general fund of the Treasury on the day on which such reduction becomes final.

(e) Certificates by State and local governments.

The Secretary is authorized to accept a certification by the Governor of a State or the chief executive officer of a unit of local government that the State government or unit of local government has not used any funds received by it under this subchapter

for an entitlement period in violation of subsection (a) of this section; unless he determines that such certification is not sufficiently reliable to enable him to carry out his duties under this chapter. (Pub. L. 92–512, title I, § 104, Oct. 20, 1972, 86 Stat. 920.)

REFERENCES IN TEXT

"This chapter", referred to in subsec. (e), read in the original "this title" meaning title I of Pub. L. 92–512, which is classified to this chapter and sections 6017A and 6687 of Title 26, Internal Revenue Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1263 of this title.

§ 1224. Creation of Trust Fund; appropriations.

(a) Trust Fund.

(1) In general.

There is hereby established on the books of the Treasury of the United States a trust fund to be known as the "State and Local Government Fiscal Assistance Trust Fund" (referred to in this subchapter as the "Trust Fund"). The Trust Fund shall remain available without fiscal year limitation and shall consist of such amounts as may be appropriated to it and deposited in it as provided in subsection (b) of this section. Except as provided in this chapter, amounts in the Trust Fund may be used only for the payments to State and local governments provided by this subchapter.

(2) Trustee.

The Secretary of the Treasury shall be the trustee of the Trust Fund and shall report to the Congress not later than March 1 of each year on the operation and status of the Trust Fund during the preceding fiscal year.

(b) Appropriations.

(1) In general.

There is appropriated to the Trust Fund, out of amounts in the general fund of the Treasury attributable to the collections of the Federal individual income taxes not otherwise appropriated—

(A) for the period beginning January 1, 1972, and ending June 30, 1972, $2,650,000,000;

(B) for the period beginning July 1, 1972, and ending December 31, 1972, $2,650,000,000;

(C) for the period beginning January 1, 1973, and ending June 30, 1973, $2,987,500,000;

(D) for the fiscal year beginning July 1, 1973, $6,050,000,000;

(E) for the fiscal year begining July 1, 1974, $6,200,000,000;

(F) for the fiscal year beginning July 1, 1975, $6,350,000,000; and

(G) for the period beginning July 1, 1976, and ending December 31, 1976, $3,325,000,000.

(2) Noncontiguous States adjustment amounts.

There is appropriated to the Trust Fund, out of amounts in the general fund of the Treasury attributable to the collections of the Federal individual income taxes not otherwise appropriated—

(A) for the period beginning January 1, 1972, and ending June 30, 1972, $2,390,000;

(B) for the period beginning July 1, 1972, and ending December 31, 1972, $2,390,000;

(C) for the period beginning January 1, 1973, and ending June 30, 1973, $2,390,000;

(D) for each of the fiscal years beginning July 1, 1973, July 1, 1974, and July 1, 1975, $4,780,000; and

(E) for the period beginning July 1, 1976, and ending December 31, 1976, $2,390,000.

(3) Deposits.

Amounts appropriated by paragraph (1) or (2) for any fiscal year or other period shall be deposited in the Trust Fund on the later of (A) the first day of such year or period, or (B) October 21, 1972.

(c) Transfers from Trust Fund to general fund.

The Secretary shall from time to time transfer from the Trust Fund to the general fund of the Treasury any moneys in the Trust Fund which he determines will not be needed to make payments to State governments and units of local government under this subchapter. (Pub. L. 92–512, title I, § 105, Oct. 20, 1972, 86 Stat. 920.)

REFERENCES IN TEXT

"This chapter", referred to in subsec. (a)(1), read in the original "this title" meaning title I of Pub. L. 92–512, which is classified to this chapter and sections 6017A and 6687 of Title 26, Internal Revenue Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1225 of this title.

§ 1225. Allocation among States.

(a) In general.

There shall be allocated to each State for each entitlement period, out of amounts appropriated under section 1224(b)(1) of this title for that entitlement period, an amount which bears the same ratio to the amount appropriated under that section for that period as the amount allocable to that State under subsection (b) of this section bears to the sum of the amounts allocable to all States under subsection (b) of this section.

(b) Determination of allocable amount.

(1) In general.

For purposes of subsection (a) of this section, the amount allocable to a State under this subsection for any entitlement period shall be determined under paragraph (2), except that such amount shall be determined under paragraph (3) if the amount allocable to it under paragraph (3) is greater than the sum of the amounts allocable to it under paragraph (2) and subsection (c) of this section.

(2) Three factor formula.

For purposes of paragraph (1), the amount allocable to a State under this paragraph for any entitlement period is the amount which bears the same ratio to $5,300,000,000 as—

(A) the population of that State, multiplied by the general tax effort factor of that State, multiplied by the relative income factor of that State, bears to

(B) the sum of the products determined under subparagraph (A) for all States.

(3) Five factor formula.

For purposes of paragraph (1), the amount allocable to a State under this paragraph for any

entitlement period is the amount to which that State would be entitled if—

(A) ⅓ of $3,500,000,000 were allocated among the States on the basis of population,

(B) ⅓ of $3,500,000,000 were allocated among the States on the basis of urbanized population,

(C) ⅓ of $3,500,000,000 were allocated among the States on the basis of population inversely weighted for per capita income,

(D) ½ of $1,800,000,000 were allocated among the States on the basis of income tax collections, and

(E) ½ of $1,800,000,000 were allocated among the States on the basis of general tax effort.

(c) Noncontiguous States adjustment.

(1) In general.

In addition to amounts allocated among the States under subsection (a) of this section there shall be allocated for each entitlement period, out of amounts appropriated under section 1224(b)(2) of this title, an additional amount to any State (A) whose allocation under subsection (b) of this section is determined by the formula set forth in paragraph (2) of that subsection and (B) in which civilian employees of the United States Government receive an allowance under section 5941 of Title 5.

(2) Determination of amount.

The additional amount allocable to any State under this subsection for any entitlement period is an amount equal to a percentage of the amount allocable to that State under subsection (b)(2) of this section for that period which is the same as the percentage of basic pay received by such employees stationed in that State as an allowance under such section 5941. If the total amount appropriated under section 1224(b)(2) of this title for any entitlement period is not sufficient to pay in full the additional amounts allocable under this subsection for that period, the Secretary shall reduce proportionately the amounts so allocable.

(Pub. L. 92–512, title I, § 106, Oct. 20, 1972, 86 Stat. 921.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1227, 1228 of this title.

§ 1226. Entitlements of State governments.

(a) Division between State and local governments.

The State government shall be entitled to receive one-third of the amount allocated to that State for each entitlement period. The remaining portion of each State's allocation shall be allocated among the units of local government of that State as provided in section 1227 of this title.

(b) State must maintain transfers to local governments.

(1) General rule.

The entitlement of any State government for any entitlement period beginning on or after July 1, 1973, shall be reduced by the amount (if any) by which—

(A) the average of the aggregate amounts transferred by the State government (out of its own sources) during such period and the preceding entitlement period to all units of local government in such State, is less than,

(B) the similar aggregate amount for the one-year period beginning July 1, 1971.

For purposes of subparagraph (A), the amount of any reduction in the entitlement of a State government under this subsection for any entitlement period shall, for subsequent entitlement periods, be treated as an amount transferred by the State government (out of its own sources) during such period to units of local government in such State.

(2) Adjustment where State assumes responsibility for category of expenditures.

If the State government establishes to the satisfaction of the Secretary that since June 30, 1972, it has assumed responsibility for a category of expenditures which (before July 1, 1972) was the responsibility of local governments located in such State, then, under regulations prescribed by the Secretary, the aggregate amount taken into account under paragraph (1)(B) shall be reduced to the extent that increased State government spending (out of its own sources) for such category has replaced corresponding amounts which for the one-year period beginning July 1, 1971, it transferred to units of local government.

(3) Adjustment where new taxing powers are conferred upon local governments.

If a State establishes to the satisfaction of the Secretary that since June 30, 1972, one or more units of local government within such State have had conferred upon them new taxing authority, then, under regulations prescribed by the Secretary, the aggregate amount taken into account under paragraph (1)(B) shall be reduced to the extent of the larger of—

(A) an amount equal to the amount of the taxes collected by reason of the exercise of such new taxing authority by such local governments, or

(B) an amount equal to the amount of the loss of revenue to the State by reason of such new taxing authority being conferred on such local governments.

No amount shall be taken into consideration under subparagraph (A) if such new taxing authority is an increase in the authorized rate of tax under a previously authorized kind of tax, unless the State is determined by the Secretary to have decreased a related State tax.

(4) Special rule for period beginning July 1, 1973.

In the case of the entitlement period beginning July 1, 1973, the preceding entitlement period for purposes of paragraph (1)(A) shall be treated as being the one-year period beginning July 1, 1972.

(5) Special rule for period beginning July 1, 1976.

In the case of the entitlement period beginning July 1, 1976, and ending December 31, 1976, the aggregate amount taken into account under paragraph (1)(A) for the preceding entitlement period and the aggregate amount taken into account under paragraph (1)(B) shall be one-half of the amounts which (but for this paragraph) would be taken into account.

(6) Reduction in entitlement.

If the Secretary has reason to believe that paragraph (1) requires a reduction in the entitlement of and State government for any entitlement period, he shall give reasonable notice and opportunity for hearing to the State. If, thereafter, he determines that paragraph (1) requires the reduction of such entitlement, he shall also determine the amount of such reduction and shall notify the Governor of such State of such determinations and shall withhold from subsequent payments to such State government under this subchapter an amount equal to such reduction.

(7) Transfer to general fund.

An amount equal to the reduction in the entitlement of any State government which results from the application of this subsection (after any judicial review under section 1263 of this title) shall be transferred from the Trust Fund to the general fund of the Treasury on the day on which such reduction becomes final.

(Pub. L. 92–512, title I, § 107, Oct. 20, 1972, 86 Stat. 922.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1221, 1263 of this title.

§ 1227. Entitlements of local governments.

(a) Allocation among county areas.

The amount to be allocated to the units of local government within a State for any entitlement period shall be allocated among the county areas located in that State so that each county area will receive an amount which bears the same ratio to the total amount to be allocated to the unit of local government within that State as—

(1) the population of that county area, multiplied by the general tax effort factor of that county area, multiplied by the relative income factor of that county area, bears to

(2) the sum of the products determined under paragraph (1) for all county areas within that State.

(b) Allocation to county governments, municipalities, townships, etc.

(1) County governments.

The county government shall be allocated that portion of the amount allocated to the county area for the entitlement period under subsection (a) of this section which bears the same ratio to such amount as the adjusted taxes of the county government bear to the adjusted taxes of the county government and all other units of local government located in the county area.

(2) Other units of local government.

The amount remaining for allocation within a county area after the application of paragraph (1) shall be allocated among the units of local government (other than the county government and other than township governments) located in that county area so that each unit of local government will receive an amount which bears the same ratio to the total amount to be allocated to all such units as—

(A) the population of that local government, multiplied by the general tax effort factor of that local government, multiplied by the relative income factor of that local government, bears to

(B) the sum of the products determined under subparagraph (A) for all such units.

(3) Township governments.

If the county area includes one or more township governments, then before applying paragraph (2)—

(A) there shall be set aside for allocation under subparagraph (B) to such township governments that portion of the amount allocated to the county area for the entitlement period which bears the same ratio to such amount as the sum of the adjusted taxes of all such township governments bears to the aggregate adjusted taxes of the county government, such township governments, and all other units of local government located in the county area, and

(B) that portion of each amount set aside under subparagraph (A) shall be allocated to each township government on the same basis as amounts are allocated to units of local government under paragraph (2).

If this paragraph applies with respect to any county area for any entitlement period, the remaining portion allocated under paragraph (2) to the units of local government located in the county area (other than the county government and the township governments) shall be appropriately reduced to reflect the amounts set aside under subparagraph (A).

(4) Indian tribes and Alaskan native villages.

If within a county area there is an Indian tribe or Alaskan native village which has a recognized governing body which performs substantial governmental functions, then before applying paragraph (1) there shall be allocated to such tribe or village a portion of the amount allocated to the county area for the entitlement period which bears the same ratio to such amount as the population of that tribe or village within that county area bears to the population of that county area. If this paragraph applies with respect to any county area for any entitlement period, the amount to be allocated under paragraph (1) shall be appropriately reduced to reflect the amount allocated under the preceding sentence. If the entitlement period of any such tribe or village is waived for any entitlement period by the governing body of that tribe or village, then the provisions of this paragraph shall not apply with respect to the amount of such entitlement for such period.

(5) Rule for small units of government.

If the Secretary determines that in any county area the data available for any entitlement period are not adequate for the application of the formulas set forth in paragraphs (2) and (3)(B) with respect to units of local government (other than a county government) with a population below a number (not more than 500) prescribed for that county area by the Secretary, he may apply paragraph (2) or (3)(B) by allocating for such entitlement period to each such unit located in that county area an amount which bears the same ratio

to the total amount to be allocated under paragraph (2) or (3)(B) for such entitlement period as the population of such unit bears to the population of all units of local government in that county area to which allocations are made under such paragraph. If the preceding sentence applies with respect to any county area, the total amount to be allocated under paragraph (2) or (3)(B) to other units of local government in that county area for the entitlement period shall be appropriately reduced to reflect the amounts allocated under the preceding sentence.

(6) Entitlement.

(A) In general.

Except as otherwise provided in this paragraph, the entitlement of any unit of local government for any entitlement period shall be the amount allocated to such unit under this subsection (after taking into account any applicable modification under subsection (c) of this section).

(B) Maximum and minimum per capita entitlement.

Subject to the provisions of subparagraphs (C) and (D), the per capita amount allocated to any county area or any unit of local government (other than a county government) within a State under this section for any entitlement period shall not be less than 20 percent, nor more than 145 percent, of two-thirds of the amount allocated to the State under section 1225 of this title, divided by the population of that State.

(C) Limitation.

The amount allocated to any unit of local government under this section for any entitlement period shall not exceed 50 percent of the sum of (i) such government's adjusted taxes, and (ii) the intergovernmental transfers of revenue to such government (other than transfers to such government under this subchapter).

(D) Entitlement less than $200, or governing body waives entitlement.

If (but for this subparagraph) the entitlement of any unit of local government below the level of the county government—

(i) would be less than $200 for any entitlement period ($100 for an entitlement period of 6 months), or

(ii) is waived for any entitlement period by the governing body of such unit,

then the amount of such entitlement for such period shall (in lieu of being paid to such unit) be added to, and shall become a part of, the entitlement for such period of the county government of the county area in which such unit is located.

(7) Adjustment of entitlement.

(A) In general.

In adjusting the allocation of any county area or unit of local government, the Secretary shall make any adjustment required under paragraph (6)(B) first, any adjustment required under paragraph (6)(C) next, and any adjustment required under paragraph (6)(D) last.

(B) Adjustment for application of maximum or minimum per capita entitlement.

The Secretary shall adjust the allocations made under this section to county areas or to units of local governments in any State in order to bring those allocations into compliance with the provisions of paragraph (6)(B). In making such adjustments he shall make any necessary adjustments with respect to county areas before making any necessary adjustments with respect to units of local government.

(C) Adjustment for application of limitation.

In any case in which the amount allocated to a unit of local government is reduced under paragraph (6)(C) by the Secretary, the amount of that reduction—

(i) in the case of a unit of local government (other than a county government), shall be added to and increase the allocation of the county government of the county area in which it is located, unless (on account of the application of paragraph (6)) that county government may not receive it, in which case the amount of the reduction shall be added to and increase the entitlement of the State government of the State in which that unit of local government is located; and

(ii) in the case of a county government, shall be added to and increase the entitlement of the State government of the State in which it is located.

(c) Special allocation rules.

(1) Optional formula.

A State may by law provide for the allocation of funds among county areas, or among units of local government (other than county governments); on the basis of the population multiplied by the general tax effort factors of such areas or units of local government, on the basis of the population multiplied by the relative income factors of such areas or units of local government, or on the basis of a combination of those two factors. Any State which provides by law for such a variation in the allocation formula provided by subsection (a) of this section, or by paragraphs (2) and (3) of subsection (b) of this section, shall notify the Secretary of such law not later than 30 days before the beginning of the first entitlement period to which such law is to apply. Any such law shall—

(A) provide for allocating 100 percent of the aggregate amount to be allocated under subsection (a) of this section; or under paragraphs (2) and (3) of subsection (b) of this section;

(B) apply uniformly throughout the State; and

(C) apply during the period beginning on the first day of the first entitlement period to which it applies and ending on December 31, 1976.

(2) Certification.

Paragraph (1) shall apply within a State only if the Secretary certifies that the State law complies with the requirements of such paragraph. The Secretary shall not certify any such law with respect to which he receives notification later

than 30 days prior to the first entitlement period during which it is to apply.

(d) Governmental definitions and related rules.

For purposes of this chapter—

(1) Units of local government.

The term "unit of local government" means the government of a county, municipality, township, or other unit of government below the State which is a unit of general government (determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes). Such term also means, except for purposes of paragraphs (1), (2), (3), (5), (6)(C), and (6)(D) of subsection (b) of this section, and, except for purposes of subsection (c) of this section, the recognized governing body of an Indian tribe or Alaskan native village which performs substantial governmental functions.

(2) Certain areas treated as counties.

In any State in which any unit of local government (other than a county government) constitutes the next level of government below the State government level, then, except as provided in the next sentence, the geographic area of such unit of government shall be treated as a county area (and such unit of government shall be treated as a county government) with respect to that portion of the State's geographic area. In any State in which any county area is not governed by a county government but contains two or more units of local government, such units shall not be treated as county governments and the geographic areas of such units shall not be treated as county areas.

(3) Townships.

The term "township" includes equivalent subdivisions of government having different designations (such as "towns"), and shall be determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes.

(4) Units of local government located in larger entity.

A unit of local government shall be treated as located in a larger entity if part or all of its geographic area is located in the larger entity.

(5) Only part of unit located in larger entity.

If only part of a unit of local government is located in a larger entity, such part shall be treated for allocation purposes as a separate unit of local government, and all computations shall, except as otherwise provided in regulations, be made on the basis of the ratio which the estimated population of such part bears to the population of the entirety of such unit.

(6) Boundary changes, governmental reorganization, etc.

If, by reason of boundary line changes, by reason of State statutory or constitutional changes, by reason of annexations or other governmental reorganizations, or by reason of other circumstances, the application of any provision of this section to units of local government does not carry out the purposes of this subchapter, the application of such provision shall be made, under regulations prescribed by the Secretary, in a manner which is consistent with such purposes.

(Pub. L. 92–512, title I, § 108, Oct. 20, 1972, 86 Stat. 924.)

REFERENCES IN TEXT

"This chapter", referred to in subsec. (d), read in the original "this title" meaning title I of Pub. L. 92–512, which is classified to this chapter and sections 6017A and 6687 of Title 26, Internal Revenue Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1221, 1226, 1243 of this title.

§ 1228. Definitions and special rules for application of allocation formulas.

(a) In general.

For purposes of this subchapter—

(1) Population.

Population shall be determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes.

(2) Urbanized population.

Urbanized population means the population of any area consisting of a central city or cities of 50,000 or more inhabitants (and of the surrounding closely settled territory for such city or cities) which is treated as an urbanized area by the Bureau of the Census for general statistical purposes.

(3) Income.

Income means total money income received from all sources, as determined by the Bureau of the Census for general statistical purposes.

(4) Personal income.

Personal income means the income of individuals, as determined by the Department of Commerce for national income accounts purposes.

(5) Dates for determining allocations and entitlements.

Except as provided in regulations, the determination of allocations and entitlements for any entitlement period shall be made as of the first day of the third month immediately preceding the beginning of such period.

(6) Intergovernmental transfers.

The intergovernmental transfers of revenue to any government are the amounts of revenue received by that government from other governments as a share in financing (or as reimbursement for) the performance of governmental functions, as determined by the Bureau of the Census for general statistical purposes.

(7) Data used; uniformity of data.

(A) General rule.

Except as provided in subparagraph (B), the data used shall be the most recently available data provided by the Bureau of the Census or the Department of Commerce, as the case may be.

(B) Use of estimates, etc.

Where the Secretary determines that the data referred to in subparagraph (A) are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such

additional data (including data based on estimates) as may be provided for in regulations.

(b) Income tax amount of States.

For purposes of this subchapter—

(1) In general.

The income tax amount of any State for any entitlement period is the income tax amount of such State as determined under paragraphs (2) and (3).

(2) Income tax amount.

The income tax amount of any State for any entitlement period is 15 percent of the net amount collected from the State individual income tax of such State during 1972 or (if later) during the last calendar year ending before the beginning of such entitlement period.

(3) Ceiling and floor.

The income tax amount of any State for any entitlement period—

(A) shall not exceed 6 percent, and

(B) shall not be less than 1 percent,

of the Federal individual income tax liabilities attributed to such State for taxable years ending during 1971 or (if later) during the last calendar year ending before the beginning of such entitlement period.

(4) State individual income tax.

The individual income tax of any State is the tax imposed upon the income of individuals by such State and described as a State income tax under section 164(a)(3) of Title 26.

(5) Federal individual income tax liabilities.

Federal individual income tax liabilities attributed to any State for any period shall be determined on the same basis as such liabilities are determined for such period by the Internal Revenue Service for general statistical purposes.

(c) General tax effort of States.

(1) In general.

For purposes of this subchapter—

(A) General tax effort factor.

The general tax effort factor of any State for any entitlement period is (i) the net amount collected from the State and local taxes of such State during the most recent reporting year, divided by (ii) the aggregate personal income (as defined in paragraph (4) of subsection (a) of this section) attributed to such State for the same period.

(B) General tax effort amount.

The general tax effort amount of any State for any entitlement period is the amount determined by multiplying—

(i) the net amount collected from the State and local taxes of such State during the most recent reporting year, by

(ii) the general tax effort factor of that State.

(2) State and local taxes.

(A) Taxes taken into account.

The State and local taxes taken into account under paragraph (1) are the compulsory contributions exacted by the State (or by any unit of local government or other political subdivision of the State) for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay), as such contributions are determined by the Bureau of the Census for general statistical purposes.

(B) Most recent reporting year.

The most recent reporting year with respect to any entitlement period consists of the years taken into account by the Bureau of the Census in its most recent general determination of State and local taxes made before the close of such period.

(d) General tax effort factor of county area.

For purposes of this subchapter, the general tax effort factor of any county area for any entitlement period is—

(1) the adjusted taxes of the county government plus the adjusted taxes of each other unit of local government within that county area, divided by

(2) the aggregate income (as defined in paragraph (3) of subsection (a) of this section) attributed to that county area.

(e) General tax effort factor of unit of local government.

For purposes of this subchapter—

(1) In general.

The general tax effort factor of any unit of local government for any entitlement period is—

(A) the adjusted taxes of that unit of local government, divided by

(B) the aggregate income (as defined in paragraph (3) of subsection (a) of this section) attributed to that unit of local government.

(2) Adjusted taxes.

(A) In general.

The adjusted taxes of any unit of local government are—

(i) the compulsory contributions exacted by such government for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay), as such contributions are determined by the Bureau of the Census for general statistical purposes.

(ii) adjusted (under regulations prescribed by the Secretary) by excluding an amount equal to that portion of such compulsory contributions which is properly allocable to expenses for education.

(B) Certain sales taxes collected by counties.

In any case where—

(i) a county government exacts sales taxes within the geographic area of a unit of local government and transfers part or all of such taxes to such unit without specifying the purposes for which such unit may spend the revenues, and

(ii) the Governor of the State notifies the Secretary that the requirements of this subparagraph have been met with respect to such taxes,

then the taxes so transferred shall be treated as the taxes of the unit of local government (and not the taxes of the county government).

(f) Relative income factor.

For purposes of this subchapter, the relative income factor is a fraction—

(1) in the case of a State, the numerator of which is the per capita income of the United States and the denominator of which is the per capita income of that State;

(2) in the case of a county area, the numerator of which is the per capita income of the State in which it is located and the denominator of which is the per capita income of that county area; and

(3) in the case of a unit of local government, the numerator of which is the per capita income of the county area in which it is located and the denominator of which is the per capita income of the geographic area of that unit of local government.

For purposes of this subsection, per capita income shall be determined on the basis of income as defined in paragraph (3) of subsection (a) of this section.

(g) Allocation rules for five factor formula.

For purposes of section 1225(b)(3) of this title—

(1) Allocation on basis of population.

Any allocation among the States on the basis of population shall be made by allocating to each State an amount which bears the same ratio to the total amount to be allocated as the population of such State bears to the population of all the States.

(2) Allocation on basis of urbanized population.

Any allocation among the States on the basis of urbanized population shall be made by allocating to each State an amount which bears the same ratio to the total amount to be allocated as the urbanized population of such State bears to the urbanized population of all the States.

(3) Allocation on basis of population inversely weighted for per capita income.

Any allocation among the States on the basis of population inversely weighted for per capita income shall be made by allocating to each State an amount which bears the same ratio to the total amount to be allocated as—

(A) the population of such State, multiplied by a fraction the numerator of which is the per capita income of all the States and the denominator of which is the per capita income of such State, bears to

(B) the sum of the products determined under subparagraph (A) for all the States.

(4) Allocation on basis of income tax collections.

Any location among the States on the basis of income tax collections shall be made by allocating to each State an amount which bears the same ratio to the total amount to be allocated as the income tax amount of such State bears to the sum of the income tax amounts of all the States.

(5) Allocation on basis of general tax effort.

Any allocation among the States on the basis of general tax effort shall be made by allocating to each State an amount which bears the same ratio to the total amount to be allocated as the general tax effort amount of such State bears to the sum of the general tax effort amounts of all the States.

(Pub. 92–512, title I, § 109, Oct. 20, 1972, 86 Stat. 928.)

SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

§ 1241. Reports on use of funds; publication.

(a) Reports on use of funds.

Each State government and unit of local government which receives funds under subchapter I of this chapter shall, after the close of each entitlement period, submit a report to the Secretary setting forth the amounts and purposes for which funds received during such period have been spent or obligated. Such reports shall be in such form and detail and shall be submitted at such time as the Secretary may prescribe.

(b) Reports on planned use of funds.

Each State government and unit of local government which expects to receive funds under subchapter I of this chapter for any entitlement period beginning on or after January 1, 1973, shall submit a report to the Secretary setting forth the amounts and purposes for which it plans to spend or obligate the funds which it expects to receive during such period. Such reports shall be in such form and detail as the Secretary may prescribed and shall be submitted at such time before the beginning of the entitlement period as the Secretary may prescribe.

(c) Publication and publicity of reports.

Each State government and unit of local government shall have a copy of each report submitted by it under subsection (a) or (b) of this section published in a newspaper which is published within the State and has general circulation within the geographic area of that government. Each State government and unit of local government shall advise the news media of the publication of its reports pursuant to this subsection. (Pub. L. 92–512, title I, § 121, Oct. 20, 1972, 86 Stat. 931.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1243 of this title.

§ 1242. Nondiscrimination provision.

(a) In general.

No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under subchapter I of this chapter.

(b) Authority of Secretary.

Whenever the Secretary determines that a State government or unit of local government has failed to comply with subsection (a) of this section or an applicable regulation, he shall notify the Governor of the State (or, in the case of a unit of local government, the Governor of the State in which such unit

is located) of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the Governor fails or refuses to secure compliance, the Secretary is authorized (1) to refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) to exercise the powers and functions provided by title VI of the Civil Rights Act of 1964; or (3) to take such other actions as may be provided by law.

(c) Authority of Attorney General.

When a matter is referred to the Attorney General pursuant to subsection (b) of this section, or whenever he has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief. (Pub. L. 92–512, title I, § 122, Oct. 20, 1972, 86 Stat. 932.)

REFERENCES IN TEXT

Title VI of the Civil Rights Act of 1964, referred to in subsec. (b), is classified to section 2000d et seq. of Title 42, The Public Health and Welfare.

§ 1243. Miscellaneous provisions.

(a) Assurance to the Secretary.

In order to qualify for any payment under subchapter I of this chapter for any entitlement period beginning on or after January 1, 1973, a State government or unit of local government must establish (in accordance with regulations prescribed by the Secretary, and, with respect to a unit of local government, after an opportunity for review and comment by the Governor of the State in which such unit is located) to the satisfaction of the Secretary that—

(1) it will establish a trust fund in which it will deposit all payments it receives under subchapter I of this chapter,

(2) it will use amounts in such trust fund (including any interest earned thereon while in such trust fund) during such reasonable period or periods as may be provided in such regulations;

(3) in the case of a unit of local government, it will use amounts in such trust fund (including any interest earned thereon while in such trust fund) only for priority expenditures (as defined in section 1222(a) of this title), and will pay over to the Secretary (for deposit in the general fund of the Treasury) an amount equal to 110 percent of any amount expended out of such trust fund in violation of this paragraph, unless such amount is promptly repaid to such trust fund (or the violation is otherwise corrected) after notice and opportunity for corrective action;

(4) it will provide for the expenditure of amounts received under subchapter I of this chapter only in accordance with the laws and procedures applicable to the expenditure of its own revenues;

(5) it will—

(A) use fiscal, accounting, and audit procedures which conform to guidelines established therefor by the Secretary (after consultation with the Comptroller General of the United States).

(B) provide to the Secretary (and to the Comptroller General of the United States), on reasonable notice, access to, and the right to examine, such books, documents, papers, or records as the Secretary may reasonably require for purposes of reviewing compliance with this chapter (or, in the case of the Comptroller General, as the Comptroller General may reasonably require for purposes of reviewing compliance and operations under subsection (c)(2) of this section), and

(C) make such annual and interim reports (other than reports required by section 1241 of this title) to the Secretary as he may reasonably require;

(6) all laborers and mechanics employed by contractors or subcontractors in the performance of work on any construction project, 25 percent or more of the costs of which project are paid out of its trust fund established under paragraph (1), will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended, and that with respect to the labor standards specified in this paragraph the Secretary of Labor shall act in accordance with Reorganization Plan Numbered 14 of 1950 and section 276c of Title 40;

(7) individuals employed by it whose wages are paid in whole or in part out of its trust fund established under paragraph (1) will be paid wages which are not lower than the prevailing rates of pay for persons employed in similar public occupations by the same employer; and

(8) in the case of a unit of local government as defined in the second sentence of section 1227(d)(1) of this title (relating to governments of Indian tribes and Alaskan native villages), it will expend funds received by it under subchapter I of this chapter for the benefit of members of the tribe or village residing in the county area from the allocation of which funds are allocated to it under section 1227(b)(4) of this title.

Paragraph (7) shall apply with respect to employees in any category only if 25 percent or more of the wages of all employees of the State government or unit of local government in such category are paid from the trust fund established by it under paragraph (1).

(b) Withholding of payments.

If the Secretary determines that a State government or unit of local government has failed to comply substantially with any provision of subsection (a) of this section or any regulations prescribed thereunder, after giving reasonable notice and opportunity for a hearing to the Governor of the State or the chief executive officer of the unit of local government, he shall notify the State government or unit of local government that if it fails to take corrective action within 60 days from the date of receipt of such notification further payments to it will be withheld for the remainder of the entitlement period and for any subsequent entitlement period

until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts.

(c) Accounting, auditing, and evaluation.

(1) In general.

The Secretary shall provide for such accounting and auditing procedures, evaluations, and reviews as may be necessary to insure that the expenditures of funds received under subchapter I of this chapter by State governments and units of local government comply fully with the requirements of this chapter. The Secretary is authorized to accept and audit by a State of such expenditures of a State government or unit of local government if he determines that such audit and the audit procedures of that State are sufficiently reliable to enable him to carry out his duties under this chapter.

(2) Comptroller General shall review compliance.

The Comptroller General of the United States shall make such reviews of the work as done by the Secretary, the State governments, and the units of local government as may be necessary for the Congress to evaluate compliance and operations under this chapter.

(Pub. L. 92–512, title I, § 123, Oct. 20, 1972, 86 Stat. 932.)

REFERENCES IN TEXT

"This chapter", referred to in subsec. (a)(5)(B) and (c)(1) and (2), read in the original "this title" meaning title I of Pub. L. 92–512, which is classified to this chapter and sections 6017A and 6687 of Title 26, Internal Revenue Code.

The Davis-Bacon Act, as amended, referred to in subsec. (a)(6), is classified to sections 276a to 276a–5 of Title 40, Public Buildings, Property, and Works.

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (a)(6), is set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1263 of this title.

SUBCHAPTER III—GENERAL PROVISIONS

§ 1261. Definitions and special rules.

(a) Secretary.

For purposes of this chapter, the term "Secretary" means the Secretary of the Treasury or his delegate. The term "Secretary of the Treasury" means the Secretary of the Treasury personally, not including any delegate.

(b) Entitlement period.

For purposes of this chapter, the term "entitlement period" means—

(1) The period beginning January 1, 1972, and ending June 30, 1972.

(2) The period beginning July 1, 1972, and ending December 31, 1972.

(3) The period beginning January 1, 1973, and ending June 30, 1973.

(4) The one-year periods beginning on July 1 of 1973, 1974, and 1975.

(5) The period beginning July 1, 1976, and ending December 31, 1976.

(c) District of Columbia.

For purposes of this chapter, the District of Columbia shall be treated both—

(1) as a State (and any reference to the Govnor of a State shall, in the case of the District of Columbia, be treated as a reference to the Mayor of the District of Columbia), and

(2) as a county area which has no units of local government (other than itself) within its geographic area.

(Pub. L. 92–512, title I, § 141, Oct. 20, 1972, 86 Stat. 934, amended Pub. L. 93–198, title VII, § 735, Dec. 24, 1973, 87 Stat. 823.)

REFERENCES IN TEXT

"This chapter", referred to in subsecs. (a), (b), and (c)(1), read in the original "this title" meaning title I of Pub. L. 92–512, which is classified to this chapter and sections 6017A and 6687 of Title 26, Internal Revenue Code.

AMENDMENTS

1973—Subsec. (c). Pub. L. 93–198 substituted reference to the Mayor of the District of Columbia for reference to the Commissioner of the District of Columbia and struck out provisions calling for a reduction in case of income tax on nonresident individuals.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 771 of Pub. L. 93–198 provided in part that the amendment of this section by Pub. L. 93–198 is effective on Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in title IV of Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

§ 1262. Regulations.

(a) General rule.

The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the provisions of this chapter.

(b) Administrative procedure act to apply.

The rulemaking provisions of subchapter II of chapter 5 of Title 5 shall apply to the regulations prescribed under this chapter for entitlement periods beginning on or after January 1, 1973. (Pub. L. 92–512, title I, § 142, Oct. 20, 1972, 86 Stat. 935.)

REFERENCES IN TEXT

"The chapter", referred to in subsecs. (a) and (b), read in the original "this title" meaning title I of Pub. L. 92–512, which is classified to this chapter and sections 6017A and 6687 of Title 26, Internal Revenue Code.

§ 1263. Judicial review.

(a) Petitions for review.

Any State which receives a notice of reduction in entitlement under section 1226(b) of this title, and any State or unit of local government which receives a notice of withholding of payments under section 1223(b) or 1243(b) of this title, may, within 60 days after receiving such notice, file with the United States court of appeals for the circuit in which such State or unit of local government is located a petition for review of the action of the Secretary. A copy of the petition shall forthwith be transmitted to the Secretary; a copy shall also forthwith be transmitted to the Attorney General.

(b) Record.

The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of Title 28. No objection to the

action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(c) Jurisdiction of court.

The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence contained in the record, shall be conclusive. However, if any finding is not supported by substantial evidence contained in the record, the court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous actions. He shall certify to the court the record of any further proceedings. Such new or modify findings of fact shall likewise be conclusive if supported by substantial evidence contained in the record.

(d) Review by Supreme Court.

The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of Title 28. (Pub. L. 92–512, title I, § 143, Oct. 20, 1972, 86 Stat. 935.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1223, 1226 of this title.

§ 1264. Entitlement factors affected by major disasters.

In the administration of this subchapter the Secretary shall disregard any change in data used in determining the entitlement of a State government or a unit of local government for a period of 60 months if that change—

(1) results from a major disaster determined by the President under section 5141 of Title 42, and

(2) reduces the amount of the entitlement of that State government or unit of local government. (Pub. L. 92–512, title I, § 145, as added Pub. L. 93–288, title IV, § 414(c)(1), May 22, 1974, 88 Stat. 158.)

EFFECTIVE DATE

Section 414(c)(2) of Pub. L. 93–288 provided that: "The amendment made by this section [enacting this section] takes effect on April 1, 1974".

Chapter 25.—CONGRESSIONAL BUDGET AND FISCAL OPERATIONS [NEW]

Sec.
1301. Congressional declaration of purpose.
1302. Definitions.
1303. Continuing study of additional budget reform proposals.

SUBCHAPTER I.—BUDGET PROCESS

1321. Timetable.
1322. Adoption of first concurrent resolution.
1323. Matters to be included in joint statement of managers; reports by committees.
1324. Adoption of first concurrent resolution on the budget prior to consideration of legislation providing new budget authority, new spending authority, or changes in revenues or public debt limit.
1325. Revisions of concurrent resolutions on the budget.
1326. Consideration of concurrent resolutions on the budget.
1327. Budget Committee handling of legislation dealing with Congressional budget.
1328. Completion of action by Committee on Appropriations of House of Representatives on appropriations prior to reporting first regular appropriation bill for each fiscal year.
1329. Reports, summaries, and projections of Congressional budget actions.
1330. Completion of action on bills providing new budget authority and certain new spending authority.
1331. Second required concurrent resolution and reconciliation process.
1332. New budget authority, new spending authority, and revenue legislation to be within appropriate levels.

SUBCHAPTER II.—FISCAL PROCEDURES

1351. Bills providing new spending authority.
1352. Reporting of authorizing legislation.
1353. Analysis by Congressional Budget Office.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 16 section 1606.

§ 1301. Congressional declaration of purpose.

The Congress declares that it is essential—

(1) to assure effective congressional control over the budgetary process;

(2) to provide for the congressional determination each year of the appropriate level of Federal revenues and expenditures;

(3) to provide a system of impoundment control;

(4) to establish national budget priorities; and

(5) to provide for the furnishing of information by the executive branch in a manner that will assist the Congress in discharging its duties.

(Pub. L. 93–344, § 2, July 12, 1974, 88 Stat. 298.)

EFFECTIVE DATE

Section 905 of Pub. L. 93–344 provided that:

"(a) Except as provided in this section, the provisions of this Act [see Short Title note under this section] shall take effect on the date of its enactment [July 12, 1974].

"(b) Title II [enacting chapter 17 of Title 2, The Congress, and repealing section 571 of this title] (except section 201(a) [section 601(a) of Title 2]), section 403 [section 1353 of this title], and section 502(c) [set out as a note under section 1020 of this title] shall take effect on the day on which the first Director of the Congressional Budget Office is appointed under section 201(a) [section 601(a) of Title 2].

"(c) Except as provided in section 906 [set out as a note under section 1322 of this title], title III [subchapter I of this chapter] and section 402 [section 1352 of this title] shall apply with respect to the fiscal year beginning on October 1, 1976, and succeeding fiscal years, and section 401 [section 1351 of this title] shall take effect on the first day of the second regular session of the Ninety-fourth Congress.

"(d) The amendments to the Budget and Accounting Act, 1921, made by sections 601, 603, and 604 [amending section 11 of this title] shall apply with respect to the fiscal year beginning on July 1, 1975, and succeeding fiscal years, except that section 201(g) of such Act [section 11(g) of this title] (as added to section 601) shall apply with respect to the fiscal year beginning on October 1, 1976, and succeeding fiscal years and section 201(i) of such Act [section 11(i) of this title] (as added by section 601) shall apply with respect to the fiscal year beginning on October 1, 1978, and succeeding fiscal years. The amendment to such Act made by section 602 [amending section 11(b) and (c) of this title] apply with respect to the fiscal year beginning on October 1, 1976, and succeeding fiscal years."

SHORT TITLE

Section 1(a) of Pub. L. 93–344 provided that: "This Act [enacting this chapter, chapter 26, and sections 11a, 11b, 11c, 11d, and 1020a of this title, and chapter 17 and section 190a–3 of Title 2, The Congress, amending section

105 of Title 1, General Provisions, sections 190b and 190d of Title 2, The Congress, and sections 11, 665, 701, 1020, and 1151, 1152, 1153, and 1154 of this title, repealing sections 66 and 81 of Title 2, The Congress, and sections 571 and 581c–1 of this title, and enacting provisions set out as notes under this section, sections 1020, 1322, and 1401 of this title, section 105 of Title 1, General Provisions, and section 190a–1 of Title 2, The Congress] may be cited as the 'Congressional Budget and Impoundment Control Act of 1974'. Titles I through IX may be cited as the 'Congressional Budget Act of 1974' and title X may be cited as the 'Impoundment Control Act of 1974'."

EXERCISE OF CONGRESSIONAL RULEMAKING POWER

Section 904 of Pub. L. 93–344 provided that:

"(a) The provisions of this title (except section 905) and of titles I, III, and IV and the provisions of sections 606, 701, 703, and 1017 [enacting this chapter and sections 11b and 1407 of this title and section 190a–3 of Title 2, The Congress, amending the Rules of the House of Representatives and the Standing Rules of the Senate, and sections 190b and 190d of Title 2, The Congress, and enacting provisions set out as notes under section 1322 of this title and 190a–1 of Title 2, The Congress] are enacted by the Congress—

"(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

"(b) Any provision of title III or IV [enacting subchapters I and II of this chapter] may be waived or suspended in the Senate by a majority vote of the Members voting, a quorum being present, or by the unanimous consent of the Senate.

"(c) Appeals in the Senate from the decisions of the Chair relating to any provision of title III or IV [enacting subchapters I and II of this chapter] or section 1017 [enacting section 1407 of this title] shall, except as otherwise provided therein, be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, concurrent resolution, reconciliation bill, or rescission bill, as the case may be."

§ 1302. Definitions.

(a) In general.

For purposes of this chapter—

(1) The terms "budget outlays" and "outlays" mean, with respect to any fiscal year, expenditures and net lending of funds under budget authority during such year.

(2) The term "budget authority" means authority provided by law to enter into obligations which will result in immediate or future outlays involving Government funds, except that such term does not include authority to insure or guarantee the repayment of indebtedness incurred by another person or government.

(3) The term "tax expenditures" means those revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction from gross income or which provide a special credit, a preferential rate of tax, or a deferral of tax liability; and the term "tax expenditures budget" means an enumeration of such tax expenditures.

(4) The term "concurrent resolution on the budget" means—

(A) a concurrent resolution setting forth the congressional budget for the United States Government for a fiscal year as provided in section 1322 of this title;

(B) a concurrent resolution reaffirming or revising the congressional budget for the United States Government for a fiscal year as provided in section 1331 of this title; and

(C) any other concurrent resolution revising the congressional budget for the United States Government for a fiscal year as described in section 1325 of this title.

(5) The term "appropriation Act" means an Act referred to in section 105 of Title 1.

(b) Joint Committee on Atomic Energy.

For purposes of chapter 17 of Title 2 and subchapters I and II of this chapter, the Members of the House of Representatives who are members of the Joint Committee on Atomic Energy shall be treated as a standing committee of the House, and the Members of the Senate who are members of the Joint Committee shall be treated as a standing committee of the Senate. (Pub. L. 93–344, § 3, July 12, 1974, 88 Stat. 299.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was, in the original, this "Act" meaning the Congressional Budget Act of 1974, which consists of titles I through IX of Pub. L. 93–344. See Short Title note under section 1301 of this title. In addition to enacting this chapter, the Congressional Budget Act of 1974 enacted sections 11a, 11b, 11c, and 11d of this title and chapter 17 and section 190a–3 of Title 2, The Congress, amended section 105 of Title 1, General Provisions, sections 190b and 190d of Title 2, The Congress, and sections 11, 701, 1020, 1151, 1152, 1153, and 1154 of this title, repealed sections 66 and 81 of Title 2, The Congress, and section 571 of this title, and enacted provisions set out as notes under sections 1020, 1301, and 1322 of this title, section 105 of Title 1, General Provisions, and section 190a–1 of Title 2, The Congress.

EFFECTIVE DATE

Section effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is refered to in section 11 of this title; title 16 section 1608.

§ 1303. Continuing study of additional budget reform proposals.

(a) The Committees on the Budget of the House of Representatives and the Senate shall study on a continuing basis proposals designed to improve and facilitate methods of congressional budgetmaking. The proposals to be studied shall include, but are not limited to, proposals for—

(1) improving the information base required for determining the effectiveness of new programs by such means as pilot testing survey research, and other experimental and analytical techniques;

(2) improving analytical and systematic evaluation of the effectiveness of existing programs;

(3) establishing maximum and minimum time limitations for program authorization; and

(4) developing techniques of human resource accounting and other means of providing noneconomic as well as economic evaluation measures.

(b) The Committee on the Budget of each House shall, from time to time, report to its House the results of the study carried on by it under subsection (a) of this section, together with its recommendations.

(c) Nothing in this section shall preclude studies to improve the budgetary process by any other committee of the House of Representatives or the Senate or any joint committee of the Congress. (Pub. L. 93–344, title VII, § 703, July 12, 1974, 88 Stat. 326.)

EFFECTIVE DATE

Section effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

SUBCHAPTER I.—BUDGET PROCESS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1302 of this title.

§ 1321. Timetable.

The timetable with respect to the congressional budget process for any fiscal year is as follows:

On or before:	Action to be completed:
November 10	President submits current services budget.
15th day after Congress meets	President submits his budget.
March 15	Committees and joint committees submit reports to Budget Committees.
April 1	Congressional Budget Office submits reports to Budget Committees.
April 15	Budget Committees report first concurrent resolution on the budget to their Houses.
May 15	Committees report bills and resolutions authorizing new budget authority.
May 15	Congress completes action on first concurrent resolution on the budget.
7th day after Labor Day	Congress completes action on bills and resolutions providing new budget authority and new spending authority.
September 15	Congress completes action on second required concurrent resolution on the budget.
September 25	Congress completes action on reconciliation bill or resolution, or both, implementing second required concurrent resolution.
October 1	Fiscal year begins.

(Pub. L. 93–344, title III, § 300, July 12, 1974, 88 Stat. 306.)

EFFECTIVE DATE

Section applicable with respect to the fiscal year beginning Oct. 1, 1976, and succeeding fiscal years, except as section 906 of Pub. L. 93–344, set out as a note under section 1322 of this title, makes provision for possible application of this section to the fiscal year beginning July 1, 1975, see section 905(c) of Pub. L. 93–344, set out as a note under section 1301 of this title.

§ 1322. Adoption of first concurrent resolution.

(a) Action to be completed by May 15.

On or before May 15 of each year, the Congress shall complete action on the first concurrent resolution on the budget for the fiscal year beginning on October 1 of such year. The concurrent resolution shall set forth—

(1) the appropriate level of total budget outlays and of total new budget authority;

(2) an estimate of budget outlays and an appropriate level of new budget authority for each major functional category, for contingencies, and for undistributed intragovernmental transactions, based on allocations of the appropriate level of total budget outlays and of total new budget authority;

(3) the amount, if any, of the surplus or the deficit in the budget which is appropriate in light of economic conditions and all other relevant factors;

(4) the recommended level of Federal revenues and the amount, if any, by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

(5) the appropriate level of the public debt, and the amount, if any, by which the statutory limit on the public debt should be increased or decreased by bills and resolutions to be reported by the appropriate committees; and

(6) such other matters relating to the budget as may be appropriate to carry out the purposes of this chapter.

(b) Additional matters in concurrent resolution.

The first concurrent resolution on the budget may also require—

(1) a procedure under which all or certain bills and resolutions providing new budget authority or providing new spending authority described in section 1351(c)(2)(C) of this title for such fiscal year shall not be enrolled until the concurrent resolution required to be reported under section 1331(a) of this title has been agreed to, and, if a reconciliation bill or reconciliation resolution, or both, are required to be reported under section 1331(c) of this title, until Congress has completed action on that bill or resolution, or both; and

(2) any other procedure which is considered appropriate to carry out the purposes of this chapter.

Not later than the close of the Ninety-fifth Congress, the Committee on the Budget of each House shall report to its House on the implementation of procedures described in this subsection.

(c) Views and estimates of other committees.

On or before March 15 of each year, each standing committee of the House of Representatives shall submit to the Committee on the Budget of the House, each standing committee of the Senate shall submit to the Committee on the Budget of the Senate, and the Joint Economic Committee and Joint Committee on Internal Revenue Taxation shall submit to the Committees on the Budget of both Houses—

(1) its views and estimates with respect to all matters set forth in subsection (a) of this section which relate to matters within the respective jurisdiction or functions of such committee or joint committee; and

(2) except in the case of such joint committees, the estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within the jurisdiction of such committee which such committee intends to be effective during the fiscal year beginning on October 1 of such year.

The Joint Economic Committee shall also submit to the Committees on the Budget of both Houses, its recommendations as to the fiscal policy appropriate to the goals of the Employment Act of 1946. Any

other committee of the House or Senate may submit to the Committee on the Budget of its House, and any other joint committee of the Congress may submit to the Committees on the Budget of both Houses, its views and estimates with respect to all matters set forth in subsection (a) of this section which relate to matters within its jurisdiction or functions.

(d) Hearings and report.

In developing the first concurrent resolution on the budget referred to in subsection (a) of this section for each fiscal year, the Committee on the Budget of each House shall hold hearings and shall receive testimony from Members of Congress and such appropriate representatives of Federal departments and agencies, the general public, and national organizations as the committee deems desirable. On or before April 15 of each year, the Committee on the Budget of each House shall report to its House the first concurrent resolution on the budget referred to in subsection (a) of this section for the fiscal year beginning on October 1 of such year. The report accompanying such concurrent resolution shall include, but not be limited to—

(1) a comparison of revenues estimated by the committee with those estimated in the budget submitted by the President;

(2) a comparison of the appropriate levels of total budget outlays and total new budget authority, as set forth in such concurrent resolution, with total budget outlays estimated and total new budget authority requested in the budget submitted by the President;

(3) with respect to each major functional category, an estimate of budget outlays and an appropriate level of new budget authority for all proposed programs and for all existing programs (including renewals thereof), with the estimate and level for existing programs being divided between permanent authority and funds provided in appropriation Acts, and each such division being subdivided between controllable amounts and all other amounts;

(4) an allocation of the level of Federal revenues recommended in the concurrent resolution among the major sources of such revenues;

(5) the economic assumptions and objectives which underlie each of the matters set forth in such concurrent resolution and alternative economic assumptions and objectives which the committee considered;

(6) projections, not limited to the following, for the period of five fiscal years beginning with such fiscal year of the estimated levels of total budget outlays, total new budget outlays, total new budget authority, the estimated revenues to be received, and the estimated surplus or deficit, if any, for each fiscal year in such period, and the estimated levels of tax expenditures (the tax expenditures budget) by major functional categories;

(7) a statement of any significant changes in the proposed levels of Federal assistance to State and local governments; and

(8) information, data, and comparisons indicating the manner in which, and the basis on which, the committee determined each of the matters set forth in the concurrent resolution, and the relationship of such matters to other budget categories.

(Pub. L. 93–344, title III, § 301, July 12, 1974, 88 Stat. 306.)

REFERENCES IN TEXT

This "chapter" referred to in subsecs. (a)(6), (b)(2), was, in the original, this "Act" meaning the Congressional Budget Act of 1974, which consists of titles I through IX of Pub. L. 93–344. See Short Title note under sections 1301 of this title. In addition to enacting this chapter, the Congressional Budget Act of 1974 enacted sections 11a, 11b, 11c, and 11d of this title and chapter 17 and sections 190a–3 of Title 2. The Congress, amended section 105 of Title I, General Provisions, sections 190b and 190d of Title 2. The Congress, and sections 11, 701, 1020, 1151, 1152, 1153, and 1154 of this title, repealed sections 66 and 81 of Title 2, The Congress, and section 571 of this title, and enacted provisions set out as notes under sections 1020, 1301, and 1322 of this title, section 105 of Title 1, General Provisions, and section 190a–1 of Title 2, The Congress.

The Employment Act of 1946, referred to in subsec. (c), is classified to section 1021 et seq. of Title 15, Commerce and Trade.

EFFECTIVE DATE

Section applicable with respect to the fiscal year beginning Oct. 1, 1976, and succeeding fiscal years, except as section 906 of Pub. L. 93–344, set out as a note under this section, makes provision for possible application of this section to the fiscal year beginning July 1, 1975, see section 905(c) of Pub. L. 93–344, set out as a note under section 1301 of this title.

APPLICATION OF CONGRESSIONAL BUDGET PROCESS TO FISCAL YEAR BEGINNING JULY 1, 1975

Section 906 of Pub. L. 93–344 provided that: "If the Committees on the Budget of the House of Representatives and the Senate both agree that it is feasible to report and act on a concurrent resolution on the budget referred to in section 301(a) [subsec. (a) of this section], or to apply any provision of title III [this subchapter] or section 401 or 402 [sections 1351 or 1352 of this title], for the fiscal year beginning on July 1, 1975, and submit reports of such agreement to their respective Houses, then to the extent and in the manner specified in such reports, the provisions so specified and section 202(f) [section 602 (b) of Title 2, The Congress] shall apply with respect to such fiscal year. If any provision so specified contains a date, such reports shall also specify a substitute date."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11, 1302, 1324, 1325 of this title.

§ 1323. Matters to be included in joint statement of managers; reports by committees.

(a) Allocation of totals.

The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall include an estimated allocation, based upon such concurrent resolution as recommended in such conference report, of the appropriate levels of total budget outlays and total new budget authority among each committee of the House of Representatives and the Senate which has jurisdiction over bills and resolutions providing such new budget authority.

(b) Reports by committees.

As soon as practicable after a concurrent resolution on the budget is agreed to—

(1) the Committee on Appropriations of each House shall, after consulting with the Committee on Appropriations of the other House, (A) subdivide among its subcommittees the allocation of budget outlays and new budget authority allocated

to it in the joint explanatory statement accompanying the conference report on such concurrent resolution, and (B) further subdivide the amount with respect to each such subcommittee between controllable amounts and all other amounts; and

(2) every other committee of the House and Senate to which an allocation was made in such joint explanatory statement shall, after consulting with the committee or committees of the other House to which all or part of its allocation was made, (A) subdivide such allocation among its subcommittees or among programs over which it has jurisdiction, and (B) further subdivide the amount with respect to each subcommittee or program between controllable amounts and all other amounts.

Each such committee shall promptly report to its House the subdivisions made by it pursuant to this subsection.

(c) Subsequent concurrent resolutions.

In the case of a concurrent resolution on the budget referred to in section 1325 or 1331 of this title, the allocation under subsection (a) of this section and the subdivisions under subsection (b) of this section shall be required only to the extent necessary to take into account revisions made in the most recently agreed to concurrent resolution on the budget. (Pub. L. 93–344, title III, § 302, July 12, 1974, 88 Stat. 308.)

EFFECTIVE DATE

Section applicable with respect to the fiscal year beginning Oct. 1, 1976, and succeeding fiscal years, except as section 906 of Pub. L. 93–344, set out as a note under section 1322 of this title, makes provision for possible application of this section to the fiscal year beginning July 1, 1975, see section 905(c) of Pub. L. 93–344, set out as a note under section 1301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1329, 1351 of this title.

§ 1324. Adoption of first concurrent resolution on the budget prior to consideration of legislation providing new budget au'hority, new spending authority, or changes in revenues or public debt limit.

(a) In general.

It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution (or amendment thereto) which provides—

(1) new budget authority for a fiscal year;

(2) an increase or decrease in revenues to become effective during a fiscal year;

(3) an increase or decrease in the public debt limit to become effective during a fiscal year; or

(4) new spending authority described in section 1351(c)(2)(C) of this title to become effective during a fiscal year;

until the first concurrent resolution on the budget for such year has been agreed to pursuant to section 1322 of this title.

(b) Exceptions.

Subsection (a) of this section does not apply to any bill or resolution—

(1) providing new budget authority which first becomes available in a fiscal year following the fiscal year to which the concurrent resolution applies; or

(2) increasing or decreasing revenues which first become effective in a fiscal year following the fiscal year to which the concurrent resolution applies.

(c) Waiver in the Senate.

(1) The committee of the Senate which reports any bill or resolution to which subsection (a) of this section applies may at or after the time it reports such bill or resolution, report a resolution to the Senate (A) providing for the waiver of subsection (a) of this section with respect to such bill or resolution, and (B) stating the reasons why the waiver is necessary. The resolution shall then be referred to the Committee on the Budget of the Senate. That committee shall report the resolution to the Senate within 10 days after the resolution is referred to it (not counting any day on which the Senate is not in session) beginning with the day following the day on which it is so referred, accompanied by that committee's recommendations and reasons for such recommendations with respect to the resolution. If the committee does not report the resolution with'n such 10-day period, it shall automatically be discharged from further consideration of the resolution and the resolution shall be placed on the calendar.

(2) During the consideration of any such resolution, debate shall be limited to one hour, to be equally divided between, and controlled by, the majority leader and minority leader or their designees, and the time on any debatable motion or appeal shall be limited to twenty minutes, to be equally divided between, and controlled by, the mover and the manager of the resolution. In the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of such resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal. No amendment to the resolution is in order.

(3) If, after the Committee on the Budget has reported (or been discharged from further consideration of) the resolution, the Senate agrees to the resolution, then subsection (a) of this section shall not apply with respect to the bill or resolution to which the resolution so agreed to applies. (Pub. L. 93–344, title III, § 303, July 12, 1974, 88 Stat. 309.)

EFFECTIVE DATE

Section applicable with respect to the fiscal year beginning Oct. 1, 1976, and succeeding fiscal years, except as section 906 of Pub. L. 93–344, set out as a note under section 1322 of this title, makes provision for possible application of this section to the fiscal year beginning July 1, 1975, see section 905(c) of Pub. L. 93–344, set out as a note under section 1301 of this title.

§ 1325. Revisions of concurrent resolutions on the budget.

At any time after the first concurrent resolution on the budget for a fiscal year has been agreed to pursuant to section 1322 of this title, and before the end of such fiscal year, the two Houses may adopt a concurrent resolution on the budget which revises the concurrent resolution on the budget for such

fiscal year most recently agreed to. (Pub. L. 93–344, title III, § 304, July 12, 1974, 88 Stat. 310.)

EFFECTIVE DATE

Section applicable with respect to the fiscal year beginning Oct. 1, 1976, and succeeding fiscal years, except as section 906 of Pub. L. 93–344, set out as a note under section 1322 of this title, makes provision for possible application of this section to the fiscal year beginning July 1, 1975, see section 905(c) of Pub. L. 93–344, set out as a note under section 1301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1302, 1323 of this title.

§ 1326. Consideration of concurrent resolutions on the budget.

(a) Procedure in House of Representatives after report of Committee; debate.

(1) When the Committee on the Budget of the House has reported any concurrent resolution on the budget, it is in order at any time after the tenth day (excluding Saturdays, Sundays, and legal holidays) following the day on which the report upon such resolution has been available to Members of the House (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) General debate on any concurrent resolution on the budget in the House of Representatives shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the concurrent resolution is not in order, and it is not in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to.

(3) Consideration of any concurrent resolution on the budget by the House of Representatives shall be in the Committee of the Whole, and the resolution shall be read for amendment under the five-minute rule in accordance with the applicable provisions of rule XXIII of the Rules of the House of Representatives. After the Committee rises and reports the resolution back to the House, the previous question shall be considered as ordered on the resolution and any amendments thereto to final passage without intervening motion; except that it shall be in order at any time prior to final passage (notwithstanding any other rule or provision of law) to adopt an amendment (or a series of amendments) changing any figure or figures in the resolution as so reported to the extent necessary to achieve mathematical consistency.

(4) Debate in the House of Representatives on the conference report or any concurrent resolution on the budget shall be limited to not more than 5 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(5) Motions to postpone, made with respect to the consideration of any concurrent resolution on the budget, and motions to proceed to the consideration of other business, shall be decided without debate.

(6) Appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any concurrent resolution on the budget shall be decided without debate.

(b) Procedure in Senate after report of Committee; debate; amendments.

(1) Debate in the Senate on any concurrent resolution on the budget, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 50 hours, except that, with respect to the second required concurrent resolution referred to in section 1331(a) of this title, all such debate shall be limited to not more than 15 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(2) Debate in the Senate on any amendment to a concurrent resolution on the budget shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, and debate on any amendment to an amendment, debatable motion, or appeal shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, except that in the event the manager of the concurrent resolution is in favor of any such amendment, motion, or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of such concurrent resolution shall be received. Such leaders, or either of them, may, from the time under their control on the passage of the concurrent resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(3) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution.

(4) Notwithstanding any other rule, an amendment, or series of amendments, to a concurrent resolution on the budget proposed in the Senate shall always be in order if such amendment or series of amendments proposes to change any figure or figures then contained in such concurrent resolution so as to make such concurrent resolution mathematically consistent or so as to maintain such consistency.

(c) Action on conference reports in the Senate.

(1) The conference report on any concurrent resolution on the budget shall be in order in the

Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such a conference report is reported and is available to Members of the Senate. A motion to proceed to the consideration of the conference report may be made even though a previous motion to the same effect has been disagreed to.

(2) During the consideration in the Senate of the conference report on any concurrent resolution on the budget, debate shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report.

(3) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to one-half hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(4) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(d) Required action by conference committee.

If, at the end of 7 days (excluding Saturdays, Sundays, and legal holidays) after the conferees of both Houses have been appointed to a committee of conference on a concurrent resolution on the budget, the conferees are unable to reach agreement with respect to all matters in disagreement between the two Houses, then the conferees shall submit to their respective Houses, on the first day thereafter on which their House is in session—

(1) a conference report recommending those matters on which they have agreed and reporting in disagreement those matters on which they have not agreed; or

(2) a conference report in disagreement, if the matter in disagreement is an amendment which strikes out the entire text of the concurrent resolution and inserts a substitute text.

(e) Concurrent resolution must be consistent in the Senate.

It shall not be in order in the Senate to vote on the question of agreeing to—

(1) a concurrent resolution on the budget unless the figures then contained in such resolution are mathematically consistent; or

(2) a conference report on a concurrent resolution on the budget unless the figures contained in such resolution, as recommended in such conference report, are mathematically consistent.

(Pub. L. 93–344, title III, § 305, July 12, 1974, 88 Stat. 310.)

EFFECTIVE DATE

Section applicable with respect to the fiscal year beginning Oct. 1, 1976, and succeeding fiscal years, except as section 906 of Pub. L. 93–344, set out as a note under section 1322 of this title, makes provision for possible application of this section to the fiscal year beginning July 1, 1975, see section 905(c) of Pub. L. 93–344, set out as a note under section 1301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1331 of this title.

§ 1327. Budget Committee handling of legislation dealing with Congressional budget.

No bill or resolution, and no amendment to any bill or resolution, dealing with any matter which is within the jurisdiction of the Committee on the Budget of either House shall be considered in that House unless it is a bill or resolution which has been reported by the Committee on the Budget of that House (or from the consideration of which such committee has been discharged) or unless it is an amendment to such a bill or resolution. (Pub. L. 93–344, title III, § 306, July 12, 1974, 88 Stat. 313.)

EFFECTIVE DATE

Section applicable with respect to the fiscal year beginning Oct. 1, 1976, and succeeding fiscal years, except as section 906 of Pub. L. 93–344, set out as a note under section 1322 of this title, makes provision for possible application of this section to the fiscal year beginning July 1, 1975, see section 905(c) of Pub. L. 93–344, set out as a note under section 1301 of this title.

§ 1328. Completion of action by Committee on Appropriations of House of Representatives on appropriations prior to reporting first regular appropriation bill for each fiscal year.

Prior to reporting the first regular appropriation bill for each fiscal year, the Committee on Appropriations of the House of Representatives shall, to the extent practicable, complete subcommittee markup and full committee action on all regular appropriation bills for that year and submit to the House a summary report comparing the committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to concurrent resolution on the budget for that year. (Pub. L. 93–344, title III, § 307, July 12, 1974, 88 Stat. 313.)

EFFECTIVE DATE

Section applicable with respect to the fiscal year beginning Oct. 1, 1976, and succeeding fiscal years, except as section 906 of Pub. L. 93–344, set out as a note under section 1322 of this title, makes provision for possible application of this section to the fiscal year beginning July 1, 1975, see section 905(c) of Pub. L. 93–344, set out as a note under section 1301 of this title.

§ 1329. Reports, summaries, and projections of Congressional budget actions.

(a) Reports on legislation providing new budget authority or tax expenditures.

Whenever a committee of either House reports a bill or resolution to its House providing new budget authority (other than continuing appropriations) or new or increased tax expenditures for a fiscal year, the report accompanying that bill or resolution shall contain a statement, prepared after consultation with the Director of the Congressional Budget Office, detailing—

(1) in the case of a bill or resolution providing new budget authority—

(A) how the new budget authority provided in that bill or resolution compares with the new budget authority set forth in the most recently agreed to concurrent resolution on the budget for such fiscal year and the reports submitted under section 1323 of this title;

(B) a projection for the period of 5 fiscal years beginning with such fiscal year of budget outlays, associated with the budget authority provided in that bill or resolution, in each fiscal year in such period; and

(C) the new budget authority, and budget outlays resulting therefrom, provided by that bill or resolution for financial assistance to State and local governments; and

(2) in the case of a bill or resolution providing new or increased tax expenditures—

(A) how the new or increased tax expenditures provided in that bill or resolution will affect the levels of tax expenditures under existing law as set forth in the report accompanying the first concurrent resolution on the budget for such fiscal year, or, if a report accompanying a subsequently agreed to concurrent resolution for such year sets forth such levels, then as set forth in that report; and

(B) a projection for the period of 5 fiscal years beginning with such fiscal year of the tax expenditures which will result from that bill or resolution in each fiscal year in such period.

No projection shall be required for a fiscal year under paragraph (1)(B) or (2)(B) if the committee determines that a projection for that fiscal year is impracticable and states in its report the reason for such impracticability.

(b) Up-to-date tabulation of Congressional budget actions.

The Director of the Congressional Budget Office shall issue periodic reports detailing and tabulating the progress of congressional action on bills and resolutions providing new budget authority and changing revenues and the public debt limit for a fiscal year. Such reports shall include, but are not limited to—

(1) an up-to-date tabulation comparing the new budget authority for such fiscal year in bills and resolutions on which Congress has completed action and estimated outlays, associated with such new budget authority, during such fiscal year to the new budget authority and estimated outlays set forth in the most recently agreed to concurrent resolution on the budget for such fiscal year and the reports submitted under section 1323 of this title;

(2) an up-to-date status report on all bills and resolutions providing new budget authority and changing revenues and the public debt limit for such fiscal year in both Houses;

(3) an up-to-date comparison of the appropriate level of revenues contained in the most recently agreed to concurrent resolution on the budget for such fiscal year with the latest estimate of revenues for such year (including new revenues anticipated during such year under bills and resolutions on which the Congress has completed action); and

(4) an up-to-date comparison of the appropriate level of the public debt contained in the most recently agreed to concurrent resolution on the budget for such fiscal year with the latest estimate of the public debt during such fiscal year.

(c) Five-year projection of Congressional budget action.

As soon as practicable after the beginning of each fiscal year, the Director of the Congressional Budget Office shall issue a report projecting for the period of 5 fiscal years beginning with such fiscal year—

(1) total new budget authority and total budget outlays for each fiscal year in such period;

(2) revenues to be received and the major sources thereof, and the surplus or deficit, if any, for each fiscal year in such period; and

(3) tax expenditures for each fiscal year in such period.

(Pub. L. 93–344, title III, § 308, July 12, 1974, 88 Stat. 313.)

EFFECTIVE DATE

Section applicable with respect to the fiscal year beginning Oct. 1, 1976, and succeeding fiscal years, except as section 906 of Pub. L. 93–344, set out as a note under section 1322 of this title, makes provision for possible application of this section to the fiscal year beginning July 1, 1975, see section 905(c) of Pub. L. 93–344, set out as a note under section 1301 of this title.

§ 1330. Completion of action on bills providing new budget authority and certain new spending authority.

Except as otherwise provided pursuant to this subchapter, not later than the seventh day after Labor Day of each year, the Congress shall complete action on all bills and resolutions—

(1) providing new budget authority for the fiscal year beginning on October 1 of such year, other than supplemental, deficiency, and continuing appropriation bills and resolutions, and other than the reconciliation bill for such year, if required to be reported under section 1331(c) of this title; and

(2) providing new spending authority described in section 1351(c)(2)(C) of this title which is to become effective during such fiscal year.

Paragraph (1) shall not apply to any bill or resolution if legislation authorizing the enactment of new budget authority to be provided in such bill or resolution has not been timely enacted. (Pub. L. 93–344, title III, § 309, July 12, 1974, 88 Stat. 314.)

EFFECTIVE DATE

Section applicable with respect to the fiscal year beginning Oct. 1, 1976, and succeeding fiscal years, except as section 906 of Pub. L. 93–344, set out as a note under section 1322 of this title, makes provision for possible application of this section to the fiscal year beginning July 1, 1975, see section 905(c) of Pub. L. 93–344, set out as a note under section 1301 of this title.

§ 1331. Second required concurrent resolution and reconciliation process.

(a) Reporting of concurrent resolution.

The Committee on the Budget of each House shall report to its House a concurrent resolution on the budget which reaffirms or revises the concurrent resolution on the budget most recently agreed to with respect to the fiscal year beginning on October 1 of such year. Any such concurrent resolution on the budget shall also, to the extent necessary—

(1) specify the total amount by which—

(A) new budget authority for such fiscal year;

(B) budget authority initially provided for prior fiscal years; and

(C) new spending authority described in section 1351(c)(2)(C) of this title which is to become effective during such fiscal year,

contained in laws, bills, and resolutions within the jurisdiction of a committee, is to be changed and direct that committee to determine and recommend changes to accomplish a change of such total amount;

(2) specify the total amount by which revenues are to be changed and direct that the committees having jurisdiction to determine and recommend changes in the revenue laws, bills, and resolutions to accomplish a change of such total amount;

(3) specify the amount by which the statutory limit on the public debt is to be changed and direct the committees having jurisdiction to recommend such change; or

(4) specify and direct any combination of the matters described in paragraphs (1), (2), and (3).

Any such concurrent resolution may be reported, and the report accompanying it may be filed, in either House notwithstanding that that House is not in session on the day on which such concurrent resolution is reported.

(b) Completion of action on concurrent resolution.

Not later than September 15 of each year, the Congress shall complete action on the concurrent resolution on the budget referred to in subsection (a) of this section.

(c) Reconciliation process.

If a concurrent resolution is agreed to in accordance with subsection (a) of this section containing directions to one or more committees to determine and recommend changes in laws, bills, or resolutions, and—

(1) only one committee of the House or the Senate is directed to determine and recommend changes, that committee shall promptly make such determination and recommendations and report to its House a reconciliation bill or reconciliation resolution, or both, containing such recommendations; or

(2) more than one committee of the House or the Senate is directed to determine and recommend changes, each such committee so directed shall promptly make such determination and recommendations, whether such changes are to be contained in a reconciliation bill or reconciliation resolution, and submit such recommendations to the Committee on the Budget of its House, which upon receiving all such recommendations, shall report to its House a reconciliation bill or reconciliation resolution, or both, carrying out all such recommendations without any substantive revision.

For purposes of this subsection, a reconciliation resolution is a concurrent resolution directing the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, to make specified changes in bills and resolutions which have not been enrolled.

(d) Completion of reconciliation process.

Congress shall complete action on any reconciliation bill or reconciliation resolution reported under subsection (c) of this section not later than September 25 of each year.

(e) Procedure in the Senate.

(1) Except as provided in paragraph (2), the provisions of section 1326 of this title for the consideration in the Senate of concurrent resolutions on the budget and conference reports thereon shall also apply to the consideration in the Senate of reconciliation bills and reconciliation resolutions reported under subsection (c) of this section and conference reports thereon.

(2) Debate in the Senate on any reconciliation bill or resolution reported under subsection (c) of this section, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours.

(f) Congress may not adjourn until action is completed.

It shall not be in order in either the House of Representatives or the Senate to consider any resolution providing for the adjournment sine die of either House unless action has been completed on the concurrent resolution on the budget required to be reported under subsection (a) of this section for the fiscal year beginning on October 1 of such year, and, if a reconciliation bill or resolution, or both, is required to be reported under subsection (c) of this section for such fiscal year, unless the Congress has completed action on that bill or resolution, or both. (Pub. L. 93–344, title III, § 310, July 12, 1974, 88 Stat. 315.)

EFFECTIVE DATE

Section applicable with respect to the fiscal year beginning Oct. 1, 1976, and succeeding fiscal years, except as section 906 of Pub. L. 93–344, set out as a note under section 1322 of this title, makes provision for possible application of this section to the fiscal year beginning July 1, 1975, see section 905(c) of Pub. L. 93–344, set out as a note under section 1301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1302, 1322, 1323, 1326, 1330, 1332 of this title.

§ 1332. New budget authority, new spending authority, and revenue legislation to be within appropriate levels.

(a) Legislation subject to point of order.

After the Congress has completed action on the concurrent resolution on the budget required to be reported under section 1331(a) of this title for a fiscal year, and, if a reconciliation bill or resolution, or both, for such fiscal year are required to be reported under section 1331(c) of this title, after that bill has been enacted into law or that resolution has been agreed to, it shall not be in order in either the House of Representatives or the Senate to consider any bill, resolution, or amendment providing additional new budget authority for such fiscal year, providing new spending authority described in section 1351(c)(2)(C) of this title to become effective during such fiscal year, or reducing revenues for such fiscal year, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would cause the appropriate level of total new budget authority or total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for such fiscal year to be exceeded, or would cause revenues to be less than the appropriate level of revenues set forth in such concurrent resolution.

(b) Determination of outlays and revenues.

For purposes of subsection (a) of this section, the budget outlays to be made during a fiscal year and revenues to be received during a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as the case may be. (Pub. L. 93–344, title III, § 311, July 12, 1974, 88 Stat. 316.)

EFFECTIVE DATE

Section applicable with respect to the fiscal year beginning Oct. 1, 1976, and succeeding fiscal years, except as section 906 of Pub. L. 93–344, set out as a note under section 1322 of this title, makes provision for possible application of this section to the fiscal year beginning July 1, 1975, see section 905(c) of Pub. L. 93–344, set out as a note under section 1301 of this title.

SUBCHAPTER II.—FISCAL PROCEDURES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1302 of this title.

§ 1351. Bills providing new spending authority.

(a) Legislation providing contract or borrowing authority.

It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which provides new spending authority described in subsection (c)(2)(A) or (B) of this section (or any amendment which provides such new spending authority), unless that bill, resolution, or amendment also provides that such new spending authority is to be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(b) Legislation providing entitlement authority.

(1) It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which provides new spending authority described in subsection (c)(2)(C) of this section (or any amendment which provides such new spending authority) which is to become effective before the first day of the fiscal year which begins during the calendar year in which such bill or resolution is reported.

(2) If any committee of the House of Representatives or the Senate reports any bill or resolution which provides new spending authority described in subsection (c)(2)(C) of this section which is to become effective during a fiscal year and the amount of new budget authority which will be required for such fiscal year if such bill or resolution is enacted as so reported exceeds the appropriate allocation of new budget authority reported under section 1323(b) of this title in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year, such bill or resolution shall then be referred to the Committee on Appropriations of that House with instructions to report it, with the committee's recommendations, within 15 calendar days (not counting any day on which that House is not in session) beginning with the day following the day on which it is so referred. If the Committee on Appropriations of either House fails to report a bill or resolution referred to it under this paragraph within such 15-day period, the committee shall automatically be discharged from further consideration of such bill or resolution and such bill or resolution shall be placed on the appropriate calendar.

(3) The Committee on Appropriations of each House shall have jurisdiction to report any bill or resolution referred to it under paragraph (2) with an amendment which limits the total amount of new spending authority provided in such bill or resolution.

(c) Definitions.

(1) For purposes of this section, the term "new spending authority" means spending authority not provided by law on the effective date of this section, including any increase in or addition to spending authority provided by law on such date.

(2) For purposes of paragraph (1), the term "spending authority" means authority (whether temporary or permanent)—

(A) to enter into contracts under which the United States is obligated to make outlays, the budget authority for which is not provided in advance by appropriation Acts;

(B) to incur indebtedness (other than indebtedness incurred under the Second Liberty Bond Act) for the repayment of which the United States is liable, the budget authority for which is not provided in advance by appropriation Acts; and

(C) to make payments (including loans and grants), the budget authority for which is not provided for in advance by appropriation Acts, to any person or government if, under the provisions of the law containing such authority, the United States is obligated to make such payments to persons or governments who meet the requirements established by such law.

Such term does not include authority to insure or guarantee the repayment of indebtedness incurred by another person or government.

(d) Exceptions.

(1) Subsections (a) and (b) of this section shall not apply to new spending authority if the budget authority for outlays which will result from such new spending authority is derived—

(A) from a trust fund established by the Social Security Act (as in effect on July 12, 1974); or

(B) from any other trust fund, 90 percent or more of the receipts of which consist or will consist of amounts (transferred from the general fund of the Treasury) equivalent to amounts of taxes (related to the purposes for which such outlays are or will be made) received in the Treasury under specified provisions of the Internal Revenue Code of 1954.

(2) Subsections (a) and (b) of this section shall not apply to new spending authority which is an amendment to or extension of the State and Local Fiscal Assistance Act of 1972, or a continuation of the program of fiscal assistance to State and local governments provided by that Act, to the extent so provided in the bill or resolution providing such authority.

(3) Subsections (a) and (b) of this section shall not apply to new spending authority to the extent that—

(A) the outlays resulting therefrom are made by an organization which is (i) a mixed-ownership Government corporation (as defined in section 856 of this title), or (ii) a wholly owned Government corporation (as defined in section 846 of this title) which is specifically exempted by law from compliance with any or all of the provisions of the Government Corporation Control Act; or

(B) the outlays resulting therefrom consist exclusively of the proceeds of gifts or bequests made to the United States for a specific purpose.

(Pub. L. 93–344, title IV, § 401, July 12, 1974, 88 Stat. 317.)

REFERENCES IN TEXT

The Second Liberty Bond Act, referred to in subsec. (c)(2)(B), is act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended, which was classified to section 745, former section 747, sections 752, 752a, 753, 754, 754a, 754b, 757, 757b, and 757c, former section 757c–1, sections 757c–2, 757c–3, 757c–4, 757d, 757e, 758, 760, and 764, former section 765, and sections 766, 769, 771, 773, 774, and 801 of this title.

The Social Security Act, referred to in subsec. (d)(1)(A), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, which is classified to section 301 et seq. of Title 42, The Public Health and Welfare.

The Internal Revenue Code of 1954, referred to in subsec. (d)(1)(B), is set out in Title 26, Internal Revenue Code.

The State and Local Fiscal Assistance Act of 1972, referred to in subsec. (d)(2), is Pub. L. 92–512, Oct. 20, 1972, 86 Stat. 919, which is classified to section 1221 et seq. of this title.

The Government Corporation Control Act, referred to in subsec. (d)(3)(A) is act Dec. 6, 1945, ch. 557, 59 Stat. 597, which is classified to section 841 et seq. of this title.

EFFECTIVE DATE

Section to take effect on the first day of the second regular session of the Ninety-fourth Congress, except as section 906 of Pub. L. 93–344, set out as a note under section 1322 of this title, makes provision for possible application of this section to the fiscal year beginning July 1, 1975, see section 905(c) of Pub. L. 93–344, set out as a note under section 1301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1322, 1324, 1330, 1331, 1332, 1352 of this title; title 16 section 1608.

§ 1352. Reporting of authorizing legislation.

(a) Required reporting date.

Except as otherwise provided in this section, it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year.

(b) Emergency waiver in the House.

If the Committee on Rules of the House of Representatives determines that emergency conditions require a waiver of subsection (a) of this section with respect to any bill or resolution, such committee may report, and the House may consider and adopt, a resolution waiving the application of subsection (a) of this section in the case of such bill or resolution.

(c) Waiver in the Senate.

(1) The committee of the Senate which reports any bill or resolution may, at or after the time it reports such bill or resolution, report a resolution to the Senate (A) providing for the waiver of subsection (a) of this section with respect to such bill or resolution, and (B) stating the reasons why the waiver is necessary. The resolution shall then be referred to the Committee on the Budget of the Senate. That committee shall report the resolution to the Senate, within 10 days after the resolution is referred to it (not counting any day on which the Senate is not in session) beginning with the day following the day on which it is so referred accompanied by that committee's recommendations and reasons for such recommendations with respect to the resolution. If the committee does not report the resolution within such 10-day period, it shall automatically be discharged from further consideration of the resolution and the resolution shall be placed on the calendar.

(2) During the consideration of any such resolution, debate shall be limited to one hour, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees, and the time on any debatable motion or appeal shall be limited to 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the resolution. In the event the manager of the resolution is in favor of

any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of such resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal. No amendment to the resolution is in order.

(3) If, after the Committee on the Budget has reported (or been discharged from further consideration of) the resolution, the Senate agrees to the resolution, then subsection (a) of this section shall not apply with respect to that bill or resolution referred to in the resolution.

(d) Certain bills and resolutions received from other House.

Notwithstanding the provisions of subsection (a) of this section, if under that subsection it is in order in the House of Representatives to consider a bill or resolution of the House, then it shall be in order to consider a companion or similar bill or resolution of the Senate; and if under that subsection it is in order in the Senate to consider a bill or resolution of the Senate, then it shall be in order to consider a companion or similar bill of the House of Representatives.

(e) Exceptions.

(1) Subsection (a) of this section shall not apply with respect to new spending authority described in section 1351 (c) (2) (C) of this title.

(2) Subsection (a) of this section shall not apply with respect to new budget authority authorized in a bill or resolution for any provision of the Social Security Act if such bill or resolution also provides new spending authority described in section 1351(c) (2) (C) which, under section 1351(d) (1) (A), is excluded from the application of section 1351(b) of this title.

(f) Study of existing spending authority and permanent appropriations.

The Committees on Appropriations of the House of Representatives and the Senate shall study on a continuing basis those provisions of law, in effect on the effective date of this section, which provide spending authority or permanent budget authority. Each committee shall, from time to time, report to its House its recommendations for terminating or modifying such provisions. (Pub. L. 93–344, title IV, § 402, July 12, 1974, 88 Stat. 318.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (e) (2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, which is classified to section 301 et seq. of Title 42, The Public Health and Welfare.

EFFECTIVE DATE

Section applicable with respect to the fiscal year beginning Oct. 1, 1976, and succeeding fiscal years, except as section 906 of Pub. L. 93–344, set out as a note under section 1322 of this title, makes provision for possible application of this section to the fiscal year beginning July 1, 1975, see section 905(c) of Pub. L. 93–344, set out as a note under section 1301 of this title.

§ 1353. Analysis by Congressional Budget Office.

The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill or resolution of a public character reported by any committee of the House of Representatives or the Senate (except the Committee on Appropriations of each House), and submit to such committee—

(1) an estimate of the costs which would be incurred in carrying out such bill or resolution in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate; and

(2) a comparison of the estimate of costs described in paragraph (1) with any available estimate of costs made by such committee or by any Federal agency.

The estimate and comparison so submitted shall be included in the report accompanying such bill or resolution if timely submitted to such committee before such report is filed. (Pub. L. 93–344, title IV, § 403, July 12, 1974, 88 Stat. 320.)

EFFECTIVE DATE

Section effective on the day on which the first Director of the Congressional Budget Office is appointed under section 601(a) of Title 2, The Congress, see section 905(b) of Pub. L. 93–344, set out as a note under section 1301 of this title.

Chapter 26.—IMPOUNDMENT CONTROL [NEW]

Sec.
1400. Disclaimer.
1401. Definitions.
1402. Rescission of budget authority.
1403. Disapproval of proposed deferrals of budget authority.
1404. Transmission of messages; publication.
1405. Reports by Comptroller General.
1406. Suits by Comptroller General.
1407. Procedure in House of Representatives and Senate.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 665 of this title.

§ 1400. Disclaimer.

Nothing contained in this Act, or in any amendments made by this Act, shall be construed as—

(1) asserting or conceding the constitutional powers or limitations of either the Congress or the President;

(2) ratifying or approving any impoundment heretofore or hereafter executed or approved by the President or any other Federal officer or employee, except insofar as pursuant to statutory authorization then in effect;

(3) affecting in any way the claims or defenses of any party to litigation concerning any impoundment; or

(4) superseding any provision of law which requires the obligation of budget authority or the making of outlays thereunder.

(Pub. L. 93–344, title X, § 1001, July 12, 1974, 88 Stat. 332.)

REFERENCES IN TEXT

This Act, or in any amendments made by this Act, referred to in text, means Pub. L. 93–344 or any amendments made by Pub. L. 93–344. For complete classification of Pub. L. 93–344 in this Code, see Short Title note under section 1301 of this title.

EFFECTIVE DATE

Section effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

SHORT TITLE

Pub. L. 93–344, which enacted this chapter, to be cited in its entirety as the "Congressional Budget and Im-

poundment Control Act of 1974", with title X thereof to be cited as the "Impoundment Control Act of 1974", see section 1(a) of Pub. L. 93–344, set out as a note under section 1301 of this title.

§ 1401. Definitions.

For purposes of this chapter—

(1) "deferral of budget authority" includes—

(A) withholding or delaying the obligation or expenditure of budget authority (whether by establishing reserves or otherwise) provided for projects or activities; or

(B) any other type of Executive action or inaction which effectively precludes the obligation or expenditure of budget authority, including authority to obligate by contract in advance of appropriations as specifically authorized by law;

(2) "Comptroller General" means the Comptroller General of the United States;

(3) "rescission bill" means a bill or joint resolution which only rescinds, in whole or in part, budget authority proposed to be rescinded in a special message transmitted by the President under section 1402 of this title, and upon which the Congress completes action before the end of the first period of 45 calendar days of continuous session of the Congress after the date on which the President's message is received by the Congress;

(4) "impoundment resolution" means a resolution of the House of Representatives or the Senate which only expresses its disapproval of a proposed deferral of budget authority set forth in a special message transmitted by the President under section 1403 of this title; and

(5) continuity of a session of the Congress shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 45-day period referred to in paragraph (3) of this section and in section 1402 of this title, and the 25-day periods referred to in sections 1406 and 1407(b)(1) of this title. If a special message is transmitted under section 1402 of this title during any Congress and the last session of such Congress adjourns sine die before the expiration of 45 calendar days of continuous session (or a special message is so transmitted after the last session of the Congress adjourns sine die), the message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the 45-day period referred to in paragraph (3) of this section and in section 1402 of this title (with respect to such message) shall commence on the day after such first day.

(Pub. L. 93–344, title X, § 1011, July 12, 1974, 88 Stat. 333.)

EFFECTIVE DATE

Section effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

§ 1402. Rescission of budget authority.

(a) Transmittal of special message.

Whenever the President determines that all or part of any budget authority will not be required to carry out the full objectives or scope of programs for which it is provided or that such budget authority should be rescinded for fiscal policy or other reasons (including the termination of authorized projects or activities for which budget authority has been provided), or whenever all or part of budget authority provided for only one fiscal year is to be reserved from obligation for such fiscal year, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority which he proposes to be rescinded or which is to be so reserved;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons why the budget authority should be rescinded or is to be so reserved;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the proposed rescission or of the reservation; and

(5) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission or the reservation and the decision to effect the proposed rescission or the reservation, and to the maximum extent practicable, the estimated effect of the proposed rescission or the reservation upon the objects, purposes, and programs for which the budget authority is provided.

(b) Requirement to make available for obligation.

Any amount of budget authority proposed to be rescinded or that is to be reserved as set forth in such special message shall be made available for obligation unless, within the prescribed 45-day period, the Congress has completed action on a rescission bill rescinding all or part of the amount proposed to be rescinded or that is to be reserved. (Pub. L. 93–344, title X, § 1012, July 12, 1974, 88 Stat. 333.)

EFFECTIVE DATE

Section effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1401, 1403 to 1406 of this title.

§ 1403. Disapproval of proposed deferrals of budget authority.

(a) Transmittal of special message.

Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States proposes to defer any budget authority provided for a specific purpose or project, the President shall transmit to the House of Representatives and the Senate a special message specifying—

(1) the amount of the budget authority proposed to be deferred;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific projects or governmental functions involved;

(3) the period of time during which the budget authority is proposed to be deferred;

(4) the reasons for the proposed deferral, including any legal authority invoked by him to justify the proposed deferral;

(5) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the proposed deferral; and

(6) all facts, circumstances, and considerations relating to or bearing upon the proposed deferral and the decision to effect the proposed deferral, including an analysis of such facts, circumstances, and considerations in terms of their application to any legal authority and specific elements of legal authority invoked by him to justify such proposed deferral, and to the maximum extent practicable, the estimated effect of the proposed deferral upon the objects, purposes, and programs for which the budget authority is provided.

A special message may include one or more proposed deferrals of budget authority. A deferral may not be proposed for any period of time extending beyond the end of the fiscal year in which the special message proposing the deferral is transmitted to the House and the Senate.

(b) Requirement to make available for obligation.

Any amount of budget authority proposed to be deferred, as set forth in a special message transmitted under subsection (a) of this section, shall be made available for obligation if either House of Congress passes an impoundment resolution disapproving such proposed deferral.

(c) Exception.

The provisions of this section do not apply to any budget authority proposed to be rescinded or that is to be reserved as set forth in a special message required to be transmitted under section 1402 of this title. (Pub. L. 93–344, title X, § 1013, July 12, 1974, 88 Stat. 334.)

EFFECTIVE DATE

Section effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1401, 1404 to 1406 of this title.

§ 1404. Transmission of messages; publication.

(a) Delivery to House and Senate.

Each special message transmitted under section 1402 or 1403 of this title shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committee of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(b) Delivery to Comptroller General.

A copy of each special message transmitted under section 1402 or 1403 of this title, shall be transmitted to the Comptroller General on the same day it is transmitted to the House of Representatives and the Senate. In order to assist the Congress in the exercise of its functions under section 1402 or 1403 of this title, the Comptroller General shall review each such message and inform the House of Representatives and the Senate as promptly as practicable with respect to—

(1) in the case of a special message transmitted under section 1402 of this title, the facts surrounding the proposed rescission or the reservation of budget authority (including the probable effects thereof); and

(2) in the case of a special message transmitted under section 1403 of this title, (A) the facts surrounding each proposed deferral of budget authority (including the probable effects thereof) and (B) whether or not (or to what extent), in his judgment, such proposed deferral is in accordance with existing statutory authority.

(c) Transmission of supplementary messages.

If any information contained in a special message transmitted under section 1402 or 1403 of this title is subsequently revised, the President shall transmit to both Houses of Congress and the Comptroller General a supplementary message stating and explaining such revision. Any such supplementary message shall be delivered, referred, and printed as provided in subsection (a) of this section. The Comptroller General shall promptly notify the House of Representatives and the Senate of any changes in the information submitted by him under subsection (b) of this section which may be necessitated by such revision.

(d) Printing in Federal Register.

Any special message transmitted under section 1402 or 1403 of this title, and any supplementary message transmitted under subsection (c) of this section, shall be printed in the first issue of the Federal Register published after such transmittal.

(e) Cumulative reports of proposed rescissions, reservations, and deferrals of budget authority.

(1) The President shall submit a report to the House of Representatives and the Senate, not later than the 10th day of each month during a fiscal year, listing all budget authority for that fiscal year with respect to which, as of the first day of such month—

(A) he has transmitted a special message under section 1402 of this title with respect to a proposed rescission or a reservation; and

(B) he has transmitted a special message under section 1403 of this title proposing a deferral.

Such report shall also contain, with respect to each such proposed rescission or deferral, or each such reservation, the information required to be submitted in the special message with respect thereto under section 1402 or 1403 of this title.

(2) Each report submitted under paragraph (1) shall be printed in the first issue of the Federal Register published after its submission.

(Pub. L. 93–344, title X, § 1014, July 12, 1944, 88 Stat. 335.)

EFFECTIVE DATE

Section effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

EX. ORD. NO. 11845. DELEGATION OF CERTAIN REPORTING FUNCTIONS TO DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET

Ex. Ord. No. 11845, Mar. 24, 1975, 40 F.R. 13299, provided: By virtue of the authority vested in me by the Impoundment Control Act of 1974 (Public Law 93–344; 88

Stat. 332, hereinafter referred to as the Act) [this chapter], and section 301 of title 3 of the United States Code, the Director of the Office of Management and Budget is hereby designated and empowered to exercise, as of October 1, 1974 without ratification or other action of the President (1) the functions required by sections 1014(b) and 1014(d) of the Act [subsecs. (b) and (d) of this section] of transmitting to the Comptroller General of the United States and to the Office of the Federal Register copies of special messages transmitted pursuant to section 1012 or 1013 of the Act [sections 1402 and 1403 of this title]; and (2) the function conferred upon the President by section 1014(e) of the Act [subsec. (e) of this section] of submitting to the Congress cumulative reports of proposed rescissions, reservations, and deferrals of budget authority.

GERALD R. FORD

§ 1405. Reports by Comptroller General.

(a) Failure to transmit special message.

If the Comptroller General finds that the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any other officer or employee of the United States—

(1) is to establish a reserve or proposes to defer budget authority with respect to which the President is required to transmit a special message under section 1402 or 1403 of this title; or

(2) has ordered, permitted, or approved the establishment of such a reserve or a deferral of budget authority;

and that the President has failed to transmit a special message with respect to such reserve or deferral, the Comptroller General shall make a report on such reserve or deferral and any available information concerning it to both Houses of Congress. The provisions of this part shall apply with respect to such reserve or deferral in the same manner and with the same effect as if such report of the Comptroller General were a special message transmitted by the President under section 1402 or 1403 of this title, and, for purposes of this chapter, such report shall be considered a special message transmitted under section 1402 or 1403 of this title.

(b) Incorrect classification of special message.

If the President has transmitted a special message to both Houses of Congress in accordance with section 1402 or 1403 of this title, and the Comptroller General believes that the President so transmitted the special message in accordance with one of those sections when the special message should have been transmitted in accordance with the other of those sections, the Comptroller General shall make a report to both Houses of the Congress setting forth his reasons. (Pub. L. 93–344, title X, § 1015, July 12, 1974, 88 Stat. 336.)

EFFECTIVE DATE

Section effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

§ 1406. Suits by Comptroller General.

If, under section 1402(b) or 1403(b) of this title, budget authority is required to be made available for obligation and such budget authority is not made available for obligation, the Comptroller General is hereby expressly empowered, through attorneys of his own selection, to bring a civil action in the United States District Court for the District of Columbia to require such budget authority to be made available for obligation, and such court is hereby expressly empowered to enter in such civil action, against any department, agency, officer, or employee of the United States, any decree, judgment, or order which may be necessary or appropriate to make such budget authority available for obligation. The courts shall give precedence to civil actions brought under this section, and to appeals and writs from decisions in such actions, over all other civil actions, appeals, and writs. No civil action shall be brought by the Comptroller General under this section until the expiration of 25 calendar days of continuous session of the Congress following the date on which an explanatory statement by the Comptroller General of the circumstances giving rise to the action contemplated has been filed with the Speaker of the House of Representatives and the President of the Senate. (Pub. L. 93–344, title X, § 1016, July 12, 1974, 88 Stat. 336.)

EFFECTIVE DATE

Section effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1401 of this title.

§ 1407. Procedure in House of Representatives and Senate.

(a) Referral.

Any recission bill introduced with respect to a special message or impoundment resolution introduced with respect to a proposed deferral of budget authority shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be.

(b) Discharge of committee.

(1) If the committee to which a rescission bill or impoundment resolution has been referred has not reported it at the end of 25 calendar days of continuous session of the Congress after its introduction, it is in order to move either to discharge the committee from further consideration of the bill or resolution or to discharge the committee from further consideration of any other rescission bill with respect to the same special message or impoundment resolution with respect to the same proposed deferral, as the case may be, which has been referred to the committee.

(2) A motion to discharge may be made only by an individual favoring the bill or resolution, may be made only if supported by one-fifth of the Members of the House involved (a quorum being present), and is highly privileged in the House and privileged in the Senate (except that it may not be made after the committee has reported a bill or resolution with respect to the same special message or the same proposed deferral, as the case may be); and debate thereon shall be limited to not more than 1 hour, the time to be divided in the House equally between those favoring and those opposing the bill or resolution, and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to

reconsider the vote by which the motion is agreed to or disagreed to.

(c) Floor consideration in the House.

(1) When the committee of the House of Representatives has reported, or has been discharged from further consideration of, a rescission bill or impoundment resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the bill or resolution. The motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on a rescission bill or impoundment resolution shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the bill or resolution. A motion further to limit debate shall not be debatable In the case of an impoundment resolution, no amendment to, or motion to recommit, the resolution shall be in order. It shall not be in order to move to reconsider the vote by which a rescission bill or impoundment resolution is agreed to or disagreed to.

(3) Motions to postpone, made with respect to the consideration of a rescission bill or impoundment resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any rescission bill or impoundment resolution shall be decided without debate.

(5) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of any rescission bill or impoundment resolution and amendments thereto (or any conference report thereon) shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions, amendments, and conference reports in similar circumstances.

(d) Floor consideration in the Senate.

(1) Debate in the Senate on any rescission bill or impoundment resolution, and all amendments thereto (in the case of a rescission bill) and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(2) Debate in the Senate on any amendment to a rescission bill shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the bill. Debate on any amendment to an amendment, to such a bill, and debate on any debatable motion or appeal in connection with such a bill or an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or resolution, except that in the event the manager of the bill or resolution is in favor of any such amendment, motion, or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of a rescission bill shall be received. Such leaders, or either of them, may, from the time under their control on the passage of a rescission bill or impoundment resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(3) A motion to further limit debate is not debatable. In the case of a rescission bill, a motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to one hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution. In the case of an impoundment resolution, no amendment or motion to recommit is in order.

(4) The conference report on any rescission bill shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such a conference report is reported and is available to Members of the Senate. A motion to proceed to the consideration of the conference report may be made even though a previous motion to the same effect has been disagreed to.

(5) During the consideration in the Senate of the conference report on any rescission bill, debate shall be limited to 2 hours to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 30 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report.

(6) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to one hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to 30 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(7) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(Pub. L. 93–344, title X, § 1017, July 12, 1974, 88 Stat. 337.)

EFFECTIVE DATE

Section effective July 12, 1974, see section 905 of Pub. L. 93–344, set out as a note under section 1301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1401 of this title.

Chapter 27.—SEASONAL FINANCING FOR NEW YORK CITY [NEW]

Sec.
1501. Congressional findings and declarations.
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§ 1501. Congressional findings and declarations.

The Congress makes the following findings and declarations:

(1) It is necessary for the city of New York to obtain seasonal financing from time to time because the city's revenues and expenditures, even when in balance on an annual basis, are not received and disbursed at equivalent rates throughout the year.

(2) At the present time the city is or may be unable to obtain such seasonal financing from its customary sources.

(3) It is necessary to assure such seasonal financing, in order that the city of New York may maintain essential governmental services. (Pub. L. 94–143, § 2, Dec. 9, 1975, 89 Stat. 797.)

SHORT TITLE

Section 1 of Pub. L. 94–143 provided that: "This Act [enacting this chapter] may be cited as 'New York City Seasonal Financing Act of 1975'."

§ 1502. Definitions.

As used in this chapter:

(a) "City" and "State" mean the city and State of New York, respectively.

(b) "Financing agent" means any agency duly authorized by State law to act on behalf or in the interest of the city with respect to the city's financial affairs.

(c) "Secretary" means the Secretary of the Treasury. (Pub. L. 94–143, § 3, Dec. 9, 1975, 89 Stat. 797.)

§ 1503. Loans.

(a) Upon written request of the city or a financing agent, the Secretary may make loans to the city or such financing agent subject to the provisions of this chapter, but in the case of any loan to a financing agent, the city and such agent shall be jointly and severally liable thereon.

(b) Each such loan shall mature not later than the last day of the city's fiscal year in which it was made, and shall bear interest at an annual rate 1 per centum per annum greater than the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such loan, as determined by the Secretary at the time of the loan. (Pub. L. 94–143, § 4, Dec. 9, 1975, 89 Stat. 797.)

§ 1504. Security for loans.

In connection with any loan under this chapter, the Secretary may require the city and any financing agent and, where he deems necessary, the State, to provide such security as he deems appropriate. The Secretary may take such steps as he deems necessary to realize upon any collateral in which the United States has a security interest pursuant to this section to enforce any claim the United States may have against the city or any financing agent pursuant to this chapter. Notwithstanding any other provision of law, Acts making appropriations may provide for the withholding of any payments from the United States to the city, either directly or through the State, which may be or may become due pursuant to any law and offset the amount of such withheld payments against any claim the Secretary may have against the city or any financing agent pursuant to this chapter. With respect to debts incurred pursuant to this chapter, for the purposes of section 191 of this title the term "person" includes the city or any financing agent. (Pub. L. 94–143, § 5, Dec. 9, 1975, 89 Stat. 797.)

§ 1505. Limitations and criteria.

(a) A loan may be made under this chapter only if the Secretary determines that there is a reasonable prospect of repayment of the loan in accordance with its terms and conditions. In making the loan, the Secretary may require such terms and conditions as he may deem appropriate to insure repayment. The Secretary is authorized to agree to any modification, amendment, or waiver of any such term or condition as he deems desirable to protect the interests of the United States.

(b) At no time shall the amount of loans outstanding under this chapter exceed in the aggregate $2,300,000,000.

(c) No loan shall be provided under this chapter unless (1) the city and all financing agents shall have repaid according to their terms all prior loans under this chapter which have matured, and (2) the city and all financing agents shall be in compliance with the terms of any such outstanding loans. (Pub. L. 94–143, § 6, Dec. 9, 1975, 89 Stat. 798.)

§ 1506. Remedies.

The remedies of the Secretary prescribed in this chapter shall be cumulative and not in limitation of or substitution for any other remedies available to the Secretary or the United States. (Pub. L. 94–143, § 7, Dec. 9, 1975, 89 Stat. 798.)

§ 1507. Funding.

(a) New York City Seasonal Financing Fund; establishment; administration; authorization of appropriations.

There is hereby established in the Treasury a New York City Seasonal Financing Fund to be administered by the Secretary. The fund shall be used for the purpose of making loans pursuant to this chapter. There is authorized to be appropriated to such

fund the sum of $2,300,000,000. All funds received by the Secretary in the payment of principal of any loan made under this chapter shall be paid into the fund. All income from loans and investments made from the fund shall be covered into the Treasury as miscellaneous receipts. Moneys in the fund not needed for current operations may be invested in direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof. After all loans made pursuant to this chapter have been repaid, the balance of the fund shall be returned to the general fund of the Treasury.

(b) Authority to sell, assign, or otherwise transfer notes to the Federal Financing Bank.

The Secretary is authorized to sell, assign, or otherwise transfer from the fund any note or other evidence of any loan made pursuant to this chapter to the Federal Financing Bank and, in addition to its other powers, such Bank is authorized to purchase, receive, or otherwise acquire the same.

(c) Authorization of appropriations for expenses of administration.

There are authorized to be appropriated such sums as may be necessary to pay the expenses of administration of this chapter. (Pub. L. 94–143, § 8, Dec. 9, 1975, 89 Stat. 798.)

§ 1508. Inspection of documents.

At any time a request for a loan is pending or a loan is outstanding under this chapter, the Secretary is authorized to inspect and copy all accounts, books, records, memorandums, correspondence, and other douments of the city or any financing agent relating to its financial affairs. (Pub. L. 94–143, § 9, Dec. 9, 1975, 89 Stat. 799.)

§ 1509. Audits.

(a)[1] No loan may be made under this chapter for the benefit of any State or city unless the General Accounting Office is authorized to make such audits as may be deemed appropriate by either the Secretary or the General Accounting Office of all accounts, books, records, and transactions of the State, the political subdivision, if any, involved, and any agency or instrumentality of such State or political subdivision. The General Accounting Office shall report the results of any such audit to the Secretary and to the Congress. (Pub. L. 94–143, § 10, Dec. 9, 1975, 89 Stat. 799.)

§ 1510. Termination.

The authority of the Secretary to make any loan under this chapter terminates on June 30, 1978. Such termination does not affect the carrying out of any transaction entered into pursuant to this chapter prior to that date, or the taking of any action necessary to preserve or protect the interests of the United States arising out of any loan under this chapter. (Pub. L. 94–143, § 11, Dec. 9, 1975, 89 Stat. 799.)

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[1] So in original. There is no subsec. (b).